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ENSURING EFFECTIVE OVERVIEW
AND SCRUTINY IN A RE-ORGANISED
LOCAL GOVERNMENT SYSTEM: A
CASE STUDY OF THE MOVE TO
UNITARY STATUS IN ENGLAND

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PHD

2011

Ensuring Effective Overview and
Scrutiny in a Re-organised Local
Government System: A Case Study of
the Move to Unitary Status in England

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the requirements of
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Abstract

This thesis is a comparative analysis of the impact of local government re-organisation on the overview and scrutiny functions across four unitary local authorities in England. The creation of new unitary authorities in England in 2009 gave an opportunity to compare how they have maintained and developed effective overview and scrutiny functions previously undertaken by the former district and county councils. Investigating how this was achieved allowed reflection upon New Labour's aims and objectives within the overall local government modernisation agenda and the wider discourse on local government, new localism and democracy. This research contributes to the knowledge previously established on overview and scrutiny by harnessing original empirical data from the unitary authorities. At the time there were no in-depth studies of how the transition to unitary status has affected and challenged patterns of overview and scrutiny developed in local authorities after 2000. The research for the thesis included a critical examination of the existing literature on local government and the overview and scrutiny function, was undertaken partly as a participant observer within the overview and scrutiny team of one of the case study authorities and through semi-structured interviews of council members and officers.

The research found the case study authorities have developed overview and scrutiny functions that: adhere to accepted good practice; reflect the culture of their authorities; is understood and valued by council members and officers; acknowledges the influence of party politics; is dependent upon dedicated officer support and finance and are playing a significant role in meeting New Labour's aims of transparent, accountable and efficient local government. However it is unclear as to whether they are contributing to 'new localism' given their unsuccessful engagement of the general public and communities. The research has also augmented the typologies of effective overview and scrutiny advocated in the existing literature.

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Declaration

I declare that the work contained in this thesis has not been submitted for any other award and that it is all my own work. I also confirm that this work fully acknowledges opinions, ideas and contributions from the work of others.

Any ethical clearance for the research presented in this thesis has been approved. Approval has been sought and granted by the Research Degrees Sub-committee on 13 May 2009.

Name: Philip Thompson

Signature:

Date: 15 April 2011.

Chapter 1 Introduction

The aim of this chapter is to provide a contextual overview of the O&S function by highlighting the significant developments in local government, which have led to its inception. It will then identify relevant concepts and theories pertaining to local government and O&S; specifically:

- Renewing democracy and public participation
- New Labour and new localism
- Accountability
- The 'conditions' for effective O&S
- The move to unitary councils.

Finally, it will detail the aims of the thesis, the research questions, and the original contribution to the literature and outline the structure of the thesis.

1.1. The Context of Overview and Scrutiny: Concepts and Theories

Local government in the UK has always been viewed as a 'problem' to central government. Various investigations by Maud (1967), Redcliffe-Maud (1969) and local government and, while they may or may not have been implemented, the last 40 years has seen major structural and political change, reforms and modernisation. Despite these changes, or perhaps because of them, there was a declining public interest in local government. For example, the percentage of the public voting at elections was the lowest in Western Europe (Jones et al, 2000, p.486) and local government was seen as being weak on accountability and transparency (Stoker, 1999, p.1). Therefore in 1997, after eighteen years of "power politics" by successive Conservative administrations (Ibid), the newly elected Labour government entered office with a commitment to modernise local government. The consultation papers *Modernising Local Government: Local Democracy and Community Leadership* (DETR, 1998a) and *Modern Local*

Government: In Touch with the People (DETR, 1998b) set out the government's vision for 21st century councils.

Three themes are identified within the modernisation programme: community leadership, democratic renewal and improving service performance (Stewart, 2003). These documents provided the impetus for the Local Government Act 2000, which emphasised the government's "belief in, and commitment to, democratic local government" (Wilson and Game, 2006 p.100). There was a particular concern that local government was weak on accountability and transparency. It was argued that "the way local government currently operates with its traditional committee structure is inefficient and opaque. This committee system was designed over a century ago for a bygone age; it is no basis for modern local government" (DETR, 1998a, para: 5.1). Subsequently local authority decision-making was seen as taking place in committees away from public view and hence, often not subject to public scrutiny (Ibid). This clearly weakened the link between local people and the elected councillors (Cllrs). The government thus proposed that the political structures in a council should be based on a separation between the executive and O&S functions (Stewart, 2003). The Local Government 2000 Act required all large local authorities to choose one of three models of executive political management; either a directly elected mayor and cabinet, a directly elected leader and cabinet, or indirectly elected leader and cabinet. With the old committee system gone Cllrs via strong and accountable executives would provide high profile, streamlined decision-making counter-balanced by an O&S process tasked to provide checks and balances to the power of the executive (Snape,

2000). Unprescriptive guidance has allowed O&S to develop uniquely in each authority and research has identified the conditions for an effective O&S function (ODPM, 2002; Snape, 2002; Snape, Leach, and Copus 2002; Stoker, 2004; CfPS, 2005; Leach, 2005 and 2009). More recently, the New Labour government moved to strengthen the O&S role of Cllrs and increase the involvement of local communities. With the publication of the White Paper *Strong and Prosperous Communities* (2006) Cllrs became 'champions' of communities in addition to the 'critical friend' of the executives. Moreover, local communities would interact more with local government, who would engage, inform, consult, involve and devolve policy development to local communities (DCLG, 2006).

With particular relevance to the case study - and the operation of O&S - *Strong and Prosperous Communities* (2006) also invited local authorities to submit proposals for unitary structures. The government had had under review the two tier system of local government. The English Boundary Committee reported its recommendations to the ODPM in 2004 giving options for new unitary authorities in England. Arguments for and against unitary councils have focused on local democracy and accountability verses economic efficiency. The Local Government and Public Involvement in Health Act 2007 provided the legislation for the new unitary authorities, which came into being on the 1 April 2009.

1.1.1 Renewing Democracy and Public Participation

A number of wider conceptual debates can be drawn upon to provide a framework for the study of O&S. Firstly there is the concept of renewing democracy and

public participation in local government. New Labour expressed the desire to renew local democracy and public participation with “a comprehensive revitalization of the ethos of democracy, the strength of civil society, the citizen-orientation of public services, and the vibrancy of community life itself” (Civil Renewal Unit, 2003, p.6) and the white paper *Communities in Control: Real People, Real Power* stated the aim to “give real control over local decisions and services over to a wider pool of active citizens” (DCLG, 2008, p.1). The aim is to increase the number of people involved in decision making, but not at the expense of elected representatives. As Stewart notes, “participatory democracy does not replace representative democracy but informs it” (Stewart, 2003, p.46).

Public apathy with politics as demonstrated by the low voter turnout at general and local elections is partly the result of the methods of public engagement used, which discourage public participation with an over emphasis on consultation rather than deliberation (Stewart, 2003). Recent research has also shown that local authorities have clear aims in increasing public engagement (see Table 1). Although, the drive to *improve services* is cited most there is the aim to *improve decision making* and *increase citizen engagement*.

Table 1: Aims for Supporting Effective Citizenship

What do your authority's efforts to support effective citizenship aim to achieve?	% of respondents citing it
Improve services	97
Increase public confidence	95
Improve decision making	92
Raise citizen awareness	91
Increase citizen engagement	91
Meet corporate objectives	90
Increase citizen understanding	86
Reduce disaffection	72
Increase electoral turnout	70

Source: Andrews et al, 2008, p.496.

Table 2 shows by what means local government are engaging their citizens. Although instances would appear to be low there is a wide variety and all but one are regarded as successful by 50% or more of the respondents. From the perspective of this research it is noticeable that there is no specific mention of O&S; however that is not to say the methods cited might have been used for O&S.

Table 2: Successful Citizenship-Related Activities in Local Government

What are the three most important citizenship-related activities that your local authority is engaged in?	% of respondents undertaking it	% regarded as successful or very successful
Citizen/neighbourhood panels	30	78
Youth forum, council or parliament	25	79
Area forums/committees	22	63
Schools liaison	15	80
Consultations	14	61
Engagement with Black and Minority Ethnic (BME) groups/young people	14	70
Local Democracy Week	11	63
Community/neighbourhood planning	11	47
Older people/tenants' forums	10	53
Electoral turnout drives	9	53
Participation in council meetings	9	56

Source: Andrews et al, 2008, p.497.

Despite the perceived success or otherwise of the methods cited is the role for local government to demonstrate to the public:

that their contribution to local democracy is valued and appreciated, by ensuring that opportunities for involvement in local governance offer positive, informative and confidence-inspiring lessons and ultimately make a difference (Andrews et al, 2008, p504).

1.1.2 New Labour and New Localism

Another aspect of New Labour's modernisation agenda and its themes of enhancing community leadership, democratic renewal and improving performance (Stewart, 2003) is that it has been located within a centrally controlled framework, which developed into a "revised doctrine of localism" (Brookes, 2000, p.610). Localism is viewed as the 'ideology' of local government (Jones and Stewart, 1983) in that the role of local government is, as elected representatives of a locality, to make policy decisions based on local needs and priorities. The concern for 'old localists' has been the extent to which central government:

- Influences the democratic accountability of local government
- Controls the finances of local government
- Determines which services are delivered by local government (Wilson and Game, 2006).

The relationship between New Labour and local government from 1997 onwards has been described as a period of "crude command and controlled centralism" (Corry and Stoker, 2002, p8). One of the reasons for central control is that the challenges facing government have become increasingly complex. Central and local government have moved on from the 'hard wiring challenges', e.g. building infrastructure, schools, hospitals etc. to the 'soft wiring challenges', e.g. improving the health of communities and sustainability of economies etc (Stoker, 2004, p.119). To tackle these complexities between 1997 and 2002, New Labour and numerous partners introduced different initiatives, such as Health Action Zones, New Deal for Communities and Sure Start. However this was described as

‘chaotic centralism’, which had created a ‘congested state’ (Sullivan and Skelcher, 2002) of different actors trying to resolve the complex problems.

It was recognised by central government that this form of centralism did not provide all the solutions to complex problems, therefore localism or more specifically new localism became part of New Labour’s approach. The local government paper *Strong Local Leadership Quality Public Services* (2001) stated that successful councils “enable individuals, families and communities to find solutions to their problems, provide resources and opportunities to help them do so and work with others to contribute to those solutions” (DLTR, 2001 para; 27).

The role of central government was also outlined. For example:

Our aim must always be the maximum devolution of power possible; government not stifling local action, local people making local decisions about local needs (Brown, 2001).

Local communities are just better at dealing with their own problems. They have the networks, the knowledge, the sense of what is actually possible, and the ability to make solutions stick (Blunket, 2003, p.1).

Therefore, central government had recognised that central control had limitations, and proposed a relationship with local government where “the centre steers and facilitates rather than commands and controls” (Corry and Stoker, 2002, p.13). However, local authorities and communities were not given a free hand to implement local solutions. They were required to work within a national framework (Stoker and Wilson, 2004) where providers of services at a local level were given ‘constrained discretion’ and ‘earned autonomy’ to innovate in the delivery of public

services as a reward for good performance (Corry and Stoker, 2002). Subsequently, the difference between 'old' and 'new' localism is that, the former is concerned with the balance between central and local government whereas:

New Localists accept... its (central government's) assumed role as principle driver of change at a local level. They emphasise the 'freedoms and flexibilities' acquired by local authorities, rather than the undiluted centralism of the system in which these 'earned autonomy' baubles are awarded only to approved high-performers (Wilson and Game, pp.381-382).

1.1.3 Accountability

Another concept to emerge from New Labour's Modernisation Agenda and specifically related to the O&S function is that of accountability. As described above accountability was said to be lacking in local government (Stoker, 1999). There are a number of different types of accountability in local government, for example, *executive accountability*. The primary role of O&S is to hold the newly created executives to account for their decisions, however *executive accountability* (and any other body for that matter) is a two way process:

Accountability involves both giving an account and being held to account. The executive is accountable to the council, at least in giving an account of its stewardship (Stewart, 2003, p.87).

One aspect of, if not the most important aspect of local government, is *financial accountability*. The setting of the council tax rate is naturally of great interest and concern to the public. Given the dependence of local authorities on central government grants (approximately 75% of an authority's income) and the peculiarities of local taxation (a 1% rise in expenditure requires a 4% rise in council tax) then it is difficult for the electorate to know who to hold to account and for elected representatives to hold central government to account (Ibid, 2003).

A growing area of accountability is *accountability and new-localism*. As more and more public services are provided by partner organisations there are more decision makers to hold to account and the people in receipt of those services should do it (Milburn, 2004). As Stoker states:

The electorate choosing their representatives remains important, but people should have more opportunities to be involved in direct discussion with service providers and be in a position to judge their performance. In short, accountability involves reason-giving, questioning and a continuous exchange between the provider and the relevant public (Stoker, 2004, p121).

Accountability of external providers from the private sector relies upon “comprehensibility and transparency” if the public are to know who is responsible for service provision and “transparency is limited unless private organisations accept the obligations of open government and public accountability” (Stewart, 2003, pp.139-140). Finally, *accountability by external assessment* such as the now defunct Comprehensive Performance Assessment (CPA) had the “assumption of inspectorial infallibility” that transferred accountability from elected representative and/or the public to the inspectors (Ibid, p215) and thus their grading of an authority became relied upon as the measure of performance.

1.1.4 Effective Overview and Scrutiny: Process, Structures and Attitudinal Conditions

The research undertaken by Leach (2009) on the O&S function has established three types of conditions, which will increase the likelihood of it being effective. The three conditions are:

1. Attitudinal Conditions
e.g. parties do not use O&S for party political points-scoring.
2. Process Conditions

e.g. call-in is used responsibly, it is not to be invoked too easily and meets specified criteria.

3. Structures and Support Mechanisms

e.g. There is an O&S co-ordination committee to counterbalance the executive (Leach, 2009, pp.36-37).

These conditions will be examined in more detail in chapter 3. It will be argued that they provide an effective framework upon which to organise the analysis of the data.

1.1.5 Understanding Local Government Reorganisation: The Move to Unitary Councils

There was no anticipation of reorganisation given the “chaos” of the previous reorganisation under Conservative governments in the 1970s and 1980s (Snape, 2000a, p124) and that Labour’s manifestos for the 1997, 2001 and 2005 elections did not include any proposals for unitary authorities in England (Labour Party, 1997, 2001, and 2005). Rather, it is suggested that a combination of Labour’s neighbourhood empowerment agenda and the desire for civil servants to have more control of local authorities led to New Labour proposing another reorganisation of local government (Leach, 2009a). This policy for more ‘technocratic’ unitary authorities seems to contradict their desire for democratic renewal (Ibid). However, in 2006 the DCLG invited local councils to submit their own proposals for unitary structures stating that the government had:

concluded that local government in two-tier areas faces additional challenges that can make it harder to achieve that strong leadership and clear accountability which communities need. There are risks of confusion, duplication and inefficiency between tiers, and particular challenges of capacity for small Districts (DCLG, 2006d, p.5).

The criteria for the new unitary authorities were “affordability, value for money, broad cross-section of support, neighbourhood empowerment and strong and

effective leadership” (Leach, 2009a, p.67). New Labour’s desire for unitary local government, whilst based on established criteria, also emphasised strong leadership and new approaches to community engagement and this was a significant aspect of the bids by the case study authorities (see case study chapters 5, 6, 7, and 8). As John Healey, Minister for Local Government, said:

This debate has been going on for many years and the long-term trend has been towards unitaries. Our interest is...to see stronger strategic leadership and cost efficiencies - always part of the case for unitaries - but also greater community empowerment and citizen engagement in new and innovative ways (Healey, 2009).

And as the DCLG confirmed:

Any unitary authority... established following the current invitation process will therefore be a new authority in any commonly understood meaning of the word. It will have in place a wholly new style including innovative community engagement arrangements, such as community areas with forums having delegated responsibilities for certain services (DCLG, 2007, para: 21).

Subsequently, the Local Government and Public Involvement in Health Act, 2007, provided the legislation for the new unitary authorities and 44 county and district councils were abolished and 9 unitary authorities created on 1 April 2009. These were significantly larger unitary authorities than had been created previously. The Local Government Commission for England (1994) had recommended a population size of 177,000 whereas the “the 2006–08 DCLG-managed process was a set of much larger unitary authorities (average size 348,000) mostly based on existing counties” (Leach, 2009a, p.63). Also, to emphasise the economic argument for unitary authorities it was anticipated that they would save over £100m per year, serve 3.2m residents, and increase the proportion of residents living in a unitary authority in the UK from 52% to 60% (Healy, 2009).

1.2 Aims of the Thesis

The aim of this thesis is to compare and analyse the O&S functions of four unitary local authorities in England and to assess the impact of New Labour's Local Government Re-organisation Agenda on O&S. The research has three other objectives:

- To locate debates on O&S within a wider conceptual understanding of the process of modernisation and the emphasis on 'New Localism'
- Highlight what O&S arrangements were and are in place within the two and one-tier system of local government
- Examine how effective O&S is being ensured within four new Unitary Authorities.

1.3 The Original Contribution to the Literature

This thesis aims to make an original contribution to how O&S in local authorities is understood, by focussing on the impact of the creation of the unitary authorities in 2009. Such a focus has not yet been fully developed in the literature: hence the study provides a valuable opportunity to detail the development of the O&S function for two - and single - tier local government in English shire counties. It will reflect upon key aspects of New Labour's local government modernisation agenda; specifically democratic renewal and public participation, new localism, and accountability. In addition it will enhance the existing research on what constitutes effective O&S and thereby assist all local authorities in their approach to developing and maintaining an effective O&S function.

1.4. Structure of the Thesis

1.4.1 The Literature Review

The first two chapters will be a critical analysis of the existing literature and evidence to contextualise the research. The first chapter will focus on the democratic legitimacy of local government and the significant reforms to local government over the last thirty years, which led to New Labour's modernisation agenda and the new political structures for local government. The second chapter will address the O&S function which as a recent innovation will concentrate on academic evaluations and the identification of best practice by practitioners and subsequently detail the various elements that constitute an effective O&S function.

1.4.2 Methodology

The third chapter presents the ontological and epistemological theory that underlines the methodological approach, namely interpretive. It discusses the case study method and the qualitative and quantitative methods used. The research process is outlined from the background and context of the four case study authorities, the identification of subjects through to the research questions. The research process is then evaluated to reflect upon the practicalities of the research methods and acknowledges the experience gained from undertaking separate research for one of the case study authorities and the advantages and disadvantages that had for the research for the thesis.

1.4.3 Key Findings from the Case Study Authorities

Chapters five to eight identify the development and position of the O&S function prior to and after the creation of the unitary authorities and presents the findings from the semi-structured interviews, questionnaires and documentary analysis. The ninth chapter compares and contrasts the findings from the four case study authorities and identifies what each authority has done to ensure an effective O&S function.

1.4.4 Conclusions and Postscript

The last chapter of the thesis presents the final conclusions to be drawn from the findings. It then reflects on further opportunities for research in the light of this research. Finally, the thesis concludes with a postscript that considers the implications for O&S of the recent proposals for local government the Conservative and Liberal Democrat coalition have announced, i.e. Local Government Bill 2010-11, the 'Big Society' and the cuts in public expenditure.

Chapter 2 Local Government in the United Kingdom

2.1 Introduction

The aim of this chapter is to provide a detailed review of literature on local government in the UK by detailing the justification of local government and its relationship to central government, the ideological approaches to local government in the last 30 years and the changes to local government made by New Labour as part of its modernisation agenda. The specific sections are:

- Local Democracy and the Role of Local Government
- Local Government and The New Right
- New Labour: The Modernisation of Local Government.

2.2 Local Democracy and the Role of Local Government

In this section we examine the role and functions of local government. As outlined in Figure 1, local government (usually through a geographically determined local council) provides directly or indirectly social and economic services to the public, such as education, social services, highways maintenance, street lighting etc.

Figure 1: Your Local Council

Your local Council is:

- a large, geographically defined, multifunctional organisation,
- pursuing a variety of social, political and economic objectives,
- either through direct provision,
- or through the sponsorship, indirect funding regulation, or monitoring of
- a very extensive range of services to its local community.

Source: Wilson and Game (2006, p.10)

From the perspective of central government “local government is one way in which the country’s governance and administration is carried out, and its public services delivered” (DCLG, 2009, p.11). Indeed, in the process of service delivery in England alone, local councils spend approximately £133bn a year and employ approximately 1.8m full time equivalent employees (Ibid, 2009 p.16). But why does local government provide services? The alternative to local government would be some form of centrally controlled local administration as a means of delivering services and the policies of central government. However, there are three distinct differences between local government and local administration.

Firstly, local government is accountable to an electorate, whereas a local administration would only be “accountable *upwards* to an elected minister... and *downwards* to its customers through an ombudsman, citizens’ charter or other mechanism of legally enforceable redress” (Beetham, 1996, p.35).

Secondly, local government can supply services to a specific geographical area and they can be “adjusted to suit the tastes and the preferences of local residents” (Watt, 2006, p.8). Local government is also more accessible as a service provider and has “a greater incentive to develop and extend the practice of local consultation” (Beetham, 1996, p.38).

Thirdly, while local administration is representative of national government, locally elected councils represent an opportunity for more people to hold public office, a

wider range of political views and, potentially, more socially and ethnically diverse representatives (Ibid).

As can be seen, the significant difference between local government and local administration by central government is that local government is led by locally elected representatives. Indeed, as advocated by 19th and 20th century theorists such as J.S. Mill, it is “an essential part of democratic government” as it gives citizens the opportunity to participate in politics and that “local interest, knowledge and capacity to oversee made the prospect of achieving efficient and effective service provision much more likely” (Stoker, 1996, p.5). Subsequently this “vision” is seen to be the “dominant influence on the normative debate about local government and democracy in Britain” (Ibid, pp.6-7).

One of the significant aspects of local government is that it is a means of spreading political power throughout the country (Cockburn, 1977) and with the exception of the House of Commons local government is the “only institution... that can claim the authority that comes from an election” (Jones and Stewart, 1985, p.5 quoted in Stoker, 1996, p.12). Therefore, there is a justification for local government based on the premise that it is led by council members who are democratically elected representatives of the local community. “Their role, as representative bodies elected by their fellow citizens, is to take such decisions themselves, in accordance with their own policy priorities: to govern their locality” (Wilson and Game, 2006, p.26).

However representative democracy is seen as “consisting of elections and little more” (Stewart, 2003, p.45). Stewart notes that this is a “passive” form of democracy in that there is only interest in - and contact between - the public and politicians at elections. Indeed, this is “reflective” of Schumpeter’s (1950) view of representative democracy (Ibid). Schumpeter believed that a citizen “devotes less discipline on mastering a political problem than he spends on mastering a game of bridge” (Schumpeter, 1950, p.200 in Stewart, 2003, p.45). However, Stewart argues that the public are more active and directly involved in local democracy and have a “continuing relationship between representative and represented” (Stewart, 2003 p.45). Indeed:

Cllrs who believe they can speak for people merely because they are elected enclose the organisation against the diversity of the public and of their views. The danger of the local authority being an enclosed organisation is challenged by a concept of representative democracy based on active citizenship built through deliberation (Stewart, 2003, p53).

2.3 Central-Local Government Relations

Local government is “subordinate” to central government (Wilson and Game, 2006, p.1) therefore local autonomy is primarily determined by central government (Goldsmith, 1990, p.33). Indeed, the relationship between central and local government changes in that central government shapes “the growth and working of local government” (Ibid, p.25) as the demands upon government change. During the post war period local government was a part of the distribution of the welfare state, however during the 1960s there were more demands placed on it by higher public expectations (Cockburn, 1977). In the 1970’s and 1980’s economic problems led to cuts in services by central government (Cochrane, 1993) and in

the 1990's local government evolved into local 'governance' as an "extensive network of public, voluntary and private sector bodies...are now involved in policy-making and service delivery" (Wilson and Game, 2006, p.17). All this was set against a background of authorities becoming increasingly reliant upon central government grants for the majority of their funding, whilst central government attempted to micro-manage local government (Watt, 2006, p.9). Subsequently it is the relationship between central and local government that "determines the parameters within which local authorities operate", which include the:

- Organisation of local government
- Distribution of functions
- Methods of central control
- Level of state funding (Dunleavy, 1980, p.105).

There has been an attempt to define the relationship between central and local government with the development of the *Central-Local Concordat* (see Figure 2). This document is an agreement between the Government and the Local Government Association, which clarifies the rights and responsibilities of both parties; specifically in:

- Setting of national policies and minimum standards of services
- Consultation and collaboration
- Setting the priorities of communities
- Providing accountable, visible and responsive leadership to their communities

- Using taxpayers' money and devolving power to and engaging communities (HM Government and LGA, 2007, p.3).

Figure 2 Central-Local Concordat

Central government has the **right** to set national policies, including minimum standards of services, to work with local areas to support them and, as a last resort, to intervene to avoid significant underperformance. It proposes to Parliament the legislation within which local government works.

Central government has the **responsibility** to consult and collaborate with Councils in exercising these rights. It undertakes to progressively remove obstacles which prevent Councils from pursuing their role, including reducing the burden of appraisal and approval regimes, the ring fencing of funds for specific purposes and the volume of guidance it issues.

Councils have the **right** to address the priorities of their communities as expressed through local elections and to lead the delivery of public services in their area and shape its future without unnecessary direction or control.

Councils have the **responsibility** to provide leadership that is accountable, visible and responsive to their communities and to work in partnership with the local statutory, business and third sectors, and collectively to drive continuing improvement.

Both partners have the **responsibility** to use taxpayers' money well and devolve power, and to engage and empower communities and individual citizens – at national level and at local level – in debate and decision making and in shaping and delivering services.

Source: HM Government and LGA (2007, p.3).

Although the *Central-Local Concordat* defines the rights and responsibilities the balance of power between central and local government still lies with the hands of central government, however:

it matters because improving the lives of local people and local communities matters, and because where the balance of power between central and local government lies, there lies the responsibility and accountability for the delivery of those improvements...local authorities should have the freedom to shape the development of their communities (House of Commons Communities and Local Government Committee, 2009, p.3).

Given the above descriptions of the role of local government, the relationship to central government and importance of local political representation, it is possible to redefine local government (see figure 3).

Figure 3: UK Local Government Defined

Local government is:
<ul style="list-style-type: none">• A form of geographical and political decentralisation• In which directly elected Councils• Created by and subordinate to Parliament• Have partial autonomy• To provide a wide variety of services• Through various direct and indirect means• Funded in part by local taxation.

Source: Wilson and Game (2006, p.33).

Similarly, the justification(s) for local government can be defined as, and relates to, local political representation, promoting public participation and responding to needs of an identifiable local community (see figure 4).

Figure 4: The Values or Justifications of Elected Local Government

Elected local government is likely to be better than a combination of central government and local administration at:
<ol style="list-style-type: none">1. Building and articulating community identity2. Emphasising diversity3. Fostering innovation and learning4. Responding swiftly, appropriately, corporately5. Promoting citizenship and participation6. Providing political education and training and7. Dispersing power.

Source: Wilson and Game (2006, p.38).

In summary, local government is “justified” as it is the focus for the community, provides efficient services and can respond to diverse needs. It is a “check” against abusive central power allowing political choice and participation in local politics. (Greenwood and Stewart, 1986, pp.36-37). However these “justifications

for local government in Britain are largely based on expedient arguments rather than direct ethical theory” (Chandler, 2008, p.369). The value of local government has been seen as its “contribution to efficient and stable liberal democratic government at national level rather than ... an institution that has value in its own right regardless of its relationship to the state” (Ibid, p.370).

2.4 Local Government and the New Right

The period of Conservative government between 1979 and 1997 saw significant reform of local government. The orthodox view of reform is that it brings “efficiency, effectiveness, and democracy to all at the same time, as it harms absolutely no one”, however it has “inevitable implications for control of governmental power and public policy advantage of some groups over others” (Dearlove, 1979, p.12). The reform of the public sector during the 1980s and 1990s was driven by Mrs Thatcher’s adherence to the New Right economic theory associated with Hayek and Friedman. The post-war consensus to provide public services and control unemployment by following Keynesian economics was failing in the light of high inflation and unemployment; therefore there was a desire to have greater control of government expenditure (Evans, 2004). Prior to this, dating back to the immediate aftermath of the second world war, “local government was the most important single agent of social reconstruction...within the overall framework of the Welfare State”, whereas, by 1997, local authorities had “lost their pre-eminence in the delivery of local services” (Young and Rao, 1997, p2). Furthermore local authorities no longer received:

the political deference – the respect of ministers and that of ordinary people – that sustained their position in the machinery of the state...far from being part of the solution to the making of post-war Britain, local government became part of the problem (Ibid).

This decline in the role and purpose of local government is not a recent phenomenon. Indeed there have been many investigations into local government (Maud, 1967; Redcliffe-Maud, 1969; Widdicombe, 1986;), which have found long established problems with local democracy. For example, two weaknesses of local government have been low turnout in local elections - less than 30% voted in 1998- and the lack of representativeness of Cllrs - in 1993 the majority were white, retired, males, aged over 55 years (Miller, et al, pp.21-22). The Conservatives also viewed local government as “wasteful, profligate, irresponsible, unaccountable, luxurious and out of control (Newton and Karran, 1985, p116). Whatever the evidence for these actual or perceived faults it has been also suggested that “the Conservative government inherently distrusted local government” (Miller et al, 2000, p.15). Therefore, in a period of Conservative administration that has been described as “a brutal intrusion of power politics” (Stoker, 1991, p.1) and “endless intervention” (Ibid, p.5), there was a “radical change in the internal workings of local authorities, in their role as service providers, and in their relationship with central government” (Young and Rao, 1997, p265). Three examples illustrate these changes:

- New Public Management (NPM)
- Local government to local governance
- Local government finance.

New Public Management

New Right policy espoused a reduction in the role of government bureaucracy in providing for society's needs and an increase in the individual's freedom to choose from a free market of service providers (Young and Rao, 1997). The traditional bureaucratic form of government decision-making was regarded as "too inward-looking" focusing "on the needs of the producers... and not enough on the needs of the public as consumers and citizens" (Stoker, 1991, p.3). Public sector organisations were also seen as inefficient in the delivery of services (Miller, et al, 2000). Subsequently a private sector, market-led approach, was to be "applied to the public sector in order to overcome '(welfare) state failures' and public administration failures'" (Wollmann, 2004, p.641).

Therefore, the introduction of what has been called New Public Management (NPM) saw the modernisation of public services as a problem of managerialism.

Namely that service delivery could be improved by the use of:

externally moderated indicators and league tables, benchmarking and increased use of the private sector, backed up by changes in the ways councils took decisions which reinforced the responsibilities of a small elite of councillors (Coulson, 2004, p472).

Subsequently NPM changed the way local authorities were managed with an emphasis on performance indicators to monitor the provision of services and local authority functions (Stewart, 2003; Wilson and Game, 2006). Significantly local politicians would no longer be involved in the "day to day involvement in the administrative operations". They would 'steer' rather than 'row'. (Wollmann, 2004, p.642). Compulsory Competitive Tendering (CCT) illustrates the application of

private sector management principles in the public sector; requiring local authorities to open up the services they delivered to competition; forcing authorities to put out to tender the provision of services by, or functions of, local authorities (Stewart, 2003). Arguably it was the imposition of competition and the exposure of local government to the market that was the “un-making of the post-war settlement” (Young and Rao, 1997, p.262).

Local governance

As noted earlier (see page 9 on central-local relations) the normative view of local government as service provider changed during the period of Conservative governments. The functions of local government were transferred to central government agencies, government appointed quangos, trusts, the voluntary and the private sectors (Jones and Travers in Pratchett and Wilson, 1996, p.85; Kendall and Knapp, 1996; Skelcher, 1998; cited in Laffin, 2009, p.26) resulting in a system of local governance rather than local government. This resulted in the public not understanding “who was responsible for what...It no longer seemed so self evident that it was the ‘council’ that was responsible” (Miller, et al, 2000, p.19).

Local government finance

Given the desire for central control of local government finances (Stoker, 1991) the period between 1979 and 1983 saw a “barrage of legislation” that reformed local government finances (Wilson and Game, 2006, p.61). As local government is subordinate to central government and parliament, changes such as these were implemented from the top down and with little consultation (Stoker, 1999). Indeed

“each time there has been a real or imagined problem with local government, ministers reached for the statute book” (Jones and Travers in Pratchett and Wilson, 1996, p.85). During the 1980s local government raised 50% of its revenue, whereas by the end of the Conservative administration in 1997, local taxation accounted only for 25% of income. “The heavy reliance on non-local revenue...created a substantial opportunity for central government to dictate the level of local spending” (Miller, et al, 2000, p.14). Other examples of direct control over finances were business rates being collected centrally and the imposition of rate-caps on over-spending authorities (Butler, et al, 1994 cited in Laffin, 2009, p.26).

Local Government Reorganisation and the New Right

The 1979 to 1997 period of Conservative government also witnessed another significant round of local government reorganisation following on from their major reorganisation of local government in the 1970s. The Local Government Act 1972 abolished numerous county, municipal, urban, rural and district councils. This reduced the number of councils in England and Wales from 1,427 to a two tier system of 47 county councils, 330 district councils, 6 metropolitan county councils and 36 metropolitan district/borough councils (Wilson and Game, 2006). The rationale for this was that:

larger more populous authorities were better equipped to carry out some functions (e.g. education) , whilst smaller authorities with a stronger local identity were better equipped to undertake others (e.g. leisure facilities) (Leach, 2009a, p.64).

However since the formation of the two-tier system of local government there has been a debate about whether public service provision is more economic in larger authorities and if local democracy is best achieved in smaller authorities.

Firstly, what is termed the *technocratic* model of local government (Copus, 2006), assumes large authorities to be efficient and effective. However research shows that “it does not appear possible to argue a conclusive case for a strong, one directional link between population size and efficiency and effectiveness” (Travers, et al, 1993, p.4) as there are “diseconomies as well as economies of scale” (Stewart, 2006, p.182).

Secondly, the *democratic* model of local government assumes that smaller authorities allow the public to participate in local democracy, because “cohesive communities can be identified and represented and their views responded to...” (Copus, 2006, p.6). However there is a potential “democratic deficit” as the number of council members in England decreased by 31% by the 1990s leaving fewer to represent local communities (Wilson and Game, 2006, p.72).

Despite the above concern, since 1979 there has been an increasing move towards “all purpose” or “most purpose” unitary local authorities (Wilson and Game, 2006, p.79). The argument was that “a single tier system would minimise wasteful bureaucracy and be easier for the public to understand” (Miller et al, 2000, p.12). In England in 1986, the Conservatives established 68 unitary authorities with the “politically motivated” (Leach, 2009a, p.65) abolition of the

Greater London Council (GLC) and the 6 metropolitan counties seeing them replaced by 32 unitary London Boroughs and 36 unitary Metropolitan districts (Wilson and Game, 2006). Furthermore, at the instigation of Michael Heseltine, the 1992 Conservative manifesto had pledged to review the structure of local government to determine (on an area by area basis in most areas of England) if unitary local government would be more accountable and efficient (Ibid). Therefore, between 1995 and 1998 a further 46 urban and rural unitary authorities were created with the aim of them being efficient and comprehensive councils, close to their communities (Stewart, 2003) and with an emphasis on local identity (DoE, 1991b). This sense of identity, for example, was arguably a factor when Cleveland County Council was divided into four unitary boroughs having only been created as a two-tier authority area in 1974. In contrast, it is argued, there was no underpinning coherent rationale (Wilson and Game, 2006) unlike the previous rounds of local government reorganisation in the 1970's and 1980's. The new unitary councils owed "more to political machination than to any administrative logic" (Ibid, p.67).

2.5 New Labour: The Modernisation of Local Government

New Labour came into office in 1997 after nearly two decades of Conservative rule that had seen central government take control and reduce the power of local government (Weir and Beetham, 1999). The new administration, "inherited a political and administrative culture in which local autonomy was increasingly seen as worth sacrificing in order to implement a national agenda" (Cole, 2003, p.191). There were also significant weaknesses in local democracy, namely a limited:

- Conception of the role of local government
- Electoral base
- Conception of representative democracy
- Concept of citizenship (Stewart, 2003 p42).

Furthermore it was suggested that:

The last quarter of the twentieth century is best described as an era when, as never before, elected local government has been a problem, an irritant, a sore on the body politic – in the eyes of the centre and, it has seemed, citizens at large (Walker, 2000, p.2).

Local Government was “weakened by its poor base of popular support” (Blair, 1998, p.14), and public apathy resulted in the lowest turnouts at elections in Western Europe (DETR 1998, Jones et al, 2000). The public were also unaware of who and how decisions are made that effect their communities and subsequently who to hold to account when things go wrong (Copus, 2003; Rao, 2000). Local government was weak on accountability and transparency (Stoker, 1999, p.1) as decisions were made elsewhere by elites and agreed by committees (ODPM, 1998; Cole, 2001; Copus, 2000 and 2001; Rao, 2000; Maer and Sandford 2004). Given these limitations, New Labour “devoted more attention to local government... traditionally it has been the Conservative party that has worried away at local government” (Laffin, 2008, p.109). Their subsequent modernisation agenda was seen as a response to a number of failures, with the White Paper *Modern Local Government: In Touch with the People* (DETR, 1998) identifying six key weaknesses:

- An inward-looking and paternalistic culture

- An underdeveloped community leadership role
- A weak electoral system
- Popular concern about the ethical standards of local government
- An inefficient and opaque decision making system
- Problems with service quality and uneven performance of local authority services (Snape, 2000, p.120).

In addition it was argued that local authorities lacked direction, coherence and cohesion in delivering consistently quality local services (Blair, 1998). Councils needed 'new democratic legitimacy, new ways of working and new disciplines and new powers' (Ibid, p2-3). New Labour described successful councils as those whose:

priorities are to lead their local communities. They organise and support partnerships to develop a vision for their locality, and to contribute to achieving it. They strive for continuous improvement in the delivery of local services. They are committed to best value. They involve and respond to local people and local interests. Their relationship with local business and their local interests is strong and effective. There is trust between them and their local people. It is in these Councils, in partnership with Government and others, which are able to make real improvements to the quality of peoples' lives (DETR, 1998, p.12).

Three key themes emerge from this description, and are central to New Labour's modernisation of the political and managerial characteristics of local authorities. They are: community leadership; improving performance; and democratic renewal (Stewart, 2003).

Community Leadership

The role of the local authority has changed from being one of 'service provider', to that of 'community leader'. Having had services privatised or given over to quangos and area based initiatives, it was handed the responsibility to address the well being of the communities they serve. This was to be achieved through community planning which should:

- Engage and involve local communities
- Involve active participation of Cllrs
- Be prepared and implemented by broad local strategic partnerships through which the local authority can work with other local bodies
- Be based on a proper assessment of needs and the availability of resources (DETR, 2000, p.7).

The challenge for local authorities was to achieve the above by engaging and involving its partners be they central government, the private sector, voluntary organisations and/ or local communities. To achieve this the government encouraged the formation of Local Strategic Partnerships (LSP) with the aim of bringing the afore-mentioned parties together so that "different initiatives, programmes and services support each other and work together" (DETR, 2001 p.15). The emphasis placed upon engaging communities by New Labour was a significant change from previous administrations. For example partnership "has gone some way to replacing the Conservatives individualistic approach to the general public...with a more collectivist, citizen-focussed stress on community and community empowerment" (Snape, 2000, p122).

Improving Performance

As under the Conservatives, modernisation of local government was viewed as a problem of managerialism, specifically that service delivery could be improved by the use of:

externally moderated indicators and league tables, benchmarking and increased use of the private sector, backed up by changes in the ways councils took decisions which reinforced the responsibilities of a small elite of councillors (Coulson, 2004, p.472).

The Local Government Act (1999) required local authorities to “make arrangements to secure continuous improvement in the ways in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness” (Great Britain, Local Government Act 1999, s.3). New Labour’s view was that councils should look to provide the best value services not only in comparison to other councils, but also in terms of the private sector. New Labour introduced Best Value (BV) to replace CCT, which relied too heavily on improving efficiency at the expense of quality. While not removing competition from the delivery of public services BV was seen as an improvement upon CCT as “continuous improvement in both the quality and cost of services will therefore be the hallmark of the modern council and the test of best value” (DETR, 1998, p.64). BV would be achieved by establishing objectives, performance measures and independent inspection overseen by the Audit Commission which benchmarked the quality of service and the potential future improvement. BV provided a benchmark for local authorities to measure themselves against. The Government also introduced the Beacon Council scheme which aimed to “identify examples of excellence in service provision and thereby provide models for other authorities to

follow” (Stewart, 2003, p.141). The rewards for achieving Beacon Council status included additional power to increase capital investment and to take initiatives where previously they were not allowed to do so.

The government’s White Paper 2001 *Strong Local Leadership: Quality Public Services* recognised that “as well as too many controls, plans and initiatives, there were also too many overlapping performance measurements frameworks” (DETR 2001, para. 3.12). However, rather than scrapping performance management, the government introduced Comprehensive Performance Assessment (CPA), which was “designed as a more coherent and integrated system of performance measurement” (Wollmann, 2004, p.644). The Audit Commission judged six service functions of the authority and used performance indicators and previously agreed corporate assessments (i.e. initial assessments of what the local authority aimed to provide) to score the authority as either; ‘high performers’, ‘strivers’, ‘coasters’ or ‘poor performers’. These scores indicate the performance of the authority as well as their ability to improve (Wilson and Game, 2002, p.347).

However, this can be viewed as a weakness of the approach, as the focus is on delivery rather than how need is met. Targets and performance measures are an end in themselves “rather than as a means of understanding performance” (Stewart, 2003 p.246). Indeed, the Audit Commission identified that “local authorities risk being distracted by the process of BV at the expense of providing quality services” (Kelly, 2003, p.474). Finally, with regard to CPA performance ratings, their value was questioned as a means to re-engage the public. Were

“voters going to rush more excitedly to the polls to elect representatives to a Council that is ‘a coaster’?” (Wilson and Game, 2002, p.368).

Democratic Renewal

Perhaps the most significant aspect of the modernisation agenda is that of democratic renewal. Democratic renewal can be defined as greater numbers of people engaging with their local authority, leading them to vote in greater numbers and thus become involved in local politics (Rao 2000, p.195). New Labour argued that the committee system of decision making in councils was a barrier to democratic renewal. The weakness of the old committee system was characterised by “endless papers, arcane bureaucratic processes, duplication, delay” (Fenwick, et al, 2003, p.41). Instead of being open to public scrutiny, committees were dominated by party politics, which “meant that in many authorities decisions were taken in private group meetings and enforced by the whips at committees” (Stewart, 2003 p.58). Also individual Cllrs were losing influence in the decision making process and the public was losing confidence in their Cllrs. “Opaque and unclear decision taking weakens the link between local people and their democratically elected representatives” (DETR, 1999, p.8).

The proposed end of the committee system of political management, which was “a product of the Victorian era” (Copus, 2000, p.76) had been debated for over 30 years. Maud (1967) recommended ‘management boards’ whereas Widdecombe (1986) recommended policy and resources committees for authorities controlled by one party. The consultation paper *The Internal Management of Local*

Authorities in England (DoE, 1991a) advocated appointed or elected executives and the Commission for Local Democracy (1995) stated that local authorities should have directly elected leaders/mayors (Leach, 1999). New Labour said that councils would have to adopt structures that would be characterised by efficiency, transparency, accountability, and high standards of conduct (DETR, 1999).

The 1998 White Paper *Modern Local Government; In Touch with the People* set out proposals for new political structures, specifically that the structures should be based on a “separation between the executive and scrutiny functions” (Stewart, 2003, p.60). All councils with populations over 85,000 were required by the Local Government Act 2000 to adopt one of three structures (see Figure 5):

1. A directly elected mayor and cabinet
2. A Leader appointed by the council with a cabinet
3. A directly elected mayor with a council manager.

The *elected mayor and cabinet* is only adopted once 5% of the population has requested a referendum and has voted for this option. The mayors are also elected by proportional representation. New Labour envisaged that directly elected mayors with a cabinet would break down the barrier of the committee system that would block modernization, bring strong leadership to the management of councils and greater engagement with the public, while elected mayors would fit in with New Labour’s culture of strong individual leadership (Fenwick and Elcock, 2005, p.61). The mayor would appoint a cabinet of their choosing and decide on the distribution of power without having to take regard of the political make up of the

council or with the council's approval. However the mayor needs the council to approve the budget and policy framework (Stewart, 2003, p.64).

Figure 5: The New Models of Political Management

Model	Description	Advantages	Disadvantages
Indirectly elected leader and cabinet	<p>From the Cllrs chosen by the electorate a leader and between 2 and 9 cabinet members are elected by the full council (or the leader selects the cabinet).</p> <p>The leader and cabinet make decisions and non-executives scrutinise the executive.</p>	<ul style="list-style-type: none"> • Speeds up decisions • Improves accountability and checks and balances on the executive • non-executives have more time for constituency work. 	<ul style="list-style-type: none"> • It is not sufficiently different from the committee system • It would not increase public interest or involvement • Decision would not be as speedy as a mayor.
Directly elected mayor and cabinet	<p>Chosen by electorate the mayor selects a cabinet of 2 to 9 members.</p> <p>The mayor and cabinet make decisions and non-executives scrutinise the executive.</p>	<ul style="list-style-type: none"> • A mayor will create interest in the council • Decisions will be quicker and be more accountable. 	<ul style="list-style-type: none"> • May not create interest • Decision could be worse and less accountable • No decision-making role for most members • Too much power for one person.
Directly elected mayor and council manager	<p>The mayor is chosen by the electorate and an Officer is appointed by the council as day to day manager.</p> <p>The mayor determines the broad policy direction.</p>	<ul style="list-style-type: none"> • A mayor will create interest in the council • Decisions will be even quicker and accountable as only two people will be making decisions. 	<ul style="list-style-type: none"> • Too much power for two people • Decisions will not be transparent • Not accountable to councillors • Anti-democratic • Few checks and balances.
4th Option (for shire districts of less than 85,000 population)	<p>The committee system is retained, but at least one scrutiny committee is formed.</p>	<ul style="list-style-type: none"> • It is more efficient, transparent and accountable. 	<ul style="list-style-type: none"> • Little change to the committee system.

Source: Adapted from Wilson and Game (2006, pp.102-105).

The *leader and cabinet structure* resembled the previous committee system and under this new structure the leader or the council can appoint and delegate the powers within the cabinet. As the council chooses the leader it is “distinguished by the dependence of the leader on the support of the Council” (Ibid, p.69).

The *mayor and council manager* structure differs from the elected mayor and cabinet in that the all the executive powers are given to the council manager and they are solely responsible for the delegation of power. They are expected to take a political steer from the mayor, but they are responsible to the council as a whole (DETR, 2000).

The most popular executive structure has been leader and cabinet with 316 (81%) of authorities opting for it (Rao, 2006, p.19). Although it was suggested that this was unsurprising given that many councils had been working with informal cabinets for some years. Indeed “the development of formal cabinets is a less radical step than electing a mayor” (Snape, 2000, p.164).

Under all three structures - and with the old committee system gone - Cllrs were now non-executives on OSC, tasked to provide checks and balances to the power of the executive on behalf of their communities (Snape, 2000), or executive members who would by acting as the focus for forming partnerships with governmental, voluntary and private bodies:

- Propose and implement policies
- Lead the community planning process

- Lead the development of plans and strategies
- Consult on and devise the budget
- Lead the search for best value
- Decide resources and priorities (Cole, 2001b, p.239).

As Leach notes:

Whatever structures councils will have chosen, the key executive, representational, and scrutiny roles of councillors will be readily distinguishable. Local accountability will be effective. Councillors will more effectively be able to speak up for their communities (Leach, 1999, pp.81-82).

Furthermore, it is argued that “restructuring councillors’ roles is the primary means by which the aims of the modernisation agenda will be achieved” (Rao, 2000, p.170). However, this “would involve not just a fundamental constitutional change, but a profound cultural change” in that it divides Cllrs who would regard themselves as being ““equal”” (Leach, 1999, p.79) . Furthermore it is argued “such a reversal of cultural change will require a sustained reconstruction of political life” (Rao 2000, p.195).

In terms of an evaluation of the new political structures it has also been questioned whether they would encourage greater interest in councils (Cole, 2001). For example, it is argued that if operated correctly the committee system would provide open debate (Rao, 1999; Copus, 2003) and may well have been “the most inclusive and flexible of all possible systems” (Rao, 2000, p.2). Also “in the areas of public questioning, public advocacy, and the opportunity for the involvement of public representatives in the political process” (Fenwick, et al, 2003, p.44) the committee system may have been more effective.

In addition, democratic renewal was not just a requirement of local government, but an “inherent weakness in the culture of democracy” (Rao, 2000, p.3) and other measures could be tried to improve participation. For example, turnout at elections could be improved by a change of polling day (Ibid). Democratic renewal “was an inevitable part of the modernisation programme” but there was a “focus on new political structures, whose contribution to democratic renewal is at best uncertain” (Stewart, 2003 p.246). Indeed, he adds:

the main weakness of the government’s programme... through its legislation it is focused on the attention of local authorities on new political structures rather than on the need for the involvement of citizens in the work of local government (Ibid, 2003, p.54).

Finally, although writing in the context of the role of the executive, Snape possibly summarises an overall view of the modernisation programme:

The government has failed to realise that ‘winning hearts and minds’ is essential to produce real enduring change in local government. And government will never win hearts and minds through prescription and regulation (Snape, 2000, p.174).

2.6 Conclusion

This chapter has provided a detailed review of literature on local government in the UK by detailing the justification of local government and its relationship to central government, the ideological approaches to local government in the last 30 years and the changes to local government made by New Labour as part of its modernisation agenda. The next chapter outlines the development of the O&S function, the role of O&S and details the roles of the different actors in O&S and those factors which influence its effectiveness.

Chapter 3 Overview and Scrutiny

3.1 Introduction

Chapter 2 has detailed the origins of the new political structures, which concentrated decision making powers within local executives. This chapter will outline the key issues regarding O&S; specifically the development of the O&S function, the role of O&S and details the roles of the different actors in O&S and those factors which influence its effectiveness.

3.2 The Origins of Overview and Scrutiny

The introduction of executives into local government was seen as a reproduction of the executive in central government, therefore the precedent for O&S was the departmental Parliamentary Select Committees (PSC), which hold to account the decisions, policy and administration of the executive in Parliament. The PSC have had varying degrees of success in this role, but have been hindered by the influence of adversarial party politics (Leach and Copus 2004) and the strength of the executive in Parliament. The Local Government Act 2000 aimed to “provide sufficient checks and balances...to ensure that... transparency and accountability were not undermined by the drive to stronger executive leadership” (Gains, 2006, p.5). Section 21(2) of the Act required that O&S has the power to:

- Review or scrutinise decisions or action taken in respect of any functions which are the responsibility of the executive
- Make reports or recommendations to the local authority or the executive in respect of any functions which are the responsibility of the executive

- Review or scrutinise decisions or action taken in respect of any functions which are not the responsibility of the executive
- Make reports or recommendations to the local authority or the executive in respect of any functions which are not the responsibility of the executive and
- Make reports or recommendations to the local authority or the executive in respect of matters which affect the local authority's area or its inhabitants (DCLG, 2006b, para: 3.2).

As can be seen from the above, the legislation is unprescriptive and with no “systematic pilot study” (Cole, 2001a, p.19) to assist, there was “little clarity on powers and sanctions that might be made available to scrutiny committees” (Ashworth, 2005, p.2). Subsequently, local authorities may have had difficulty establishing their O&S function (Snape and Taylor, 2001, p.1). However, this lack of prescription was also seen as an advantage as it “allows huge leeway for creativity and innovation” (CfPS, 2010, p.6). Therefore, the creation and implementation of O&S can be viewed as “experimental and aspirational” (Stoker, et al, 2004, p.45). Furthermore, Snape, Leach, and Copus (2002) suggested that:

Overview and scrutiny is potentially the most exciting and powerful element of the entire local government modernisation process. It places members at the heart of policy-making and at the heart of the way in which Councils respond to the demands of modernisation... (and is) the mechanism by which Councils can achieve active community leadership, good governance and by which councillors can become powerful and influential politicians (Snape, Leach, and Copus, 2002, p.7).

Indeed, it is argued that O&S has been the hardest element of LGMA to implement and work effectively (Wilson and Game, 2006) as it is “a qualitatively different

system, and it therefore needs to be approached and used in a qualitatively different way” (Sandford and Maer, 2004, p.10).

3.3 Defining Overview and Scrutiny Roles

O&S was originally intended to be just ‘scrutiny’, as it was to hold to account the decisions and performance of the executive, however, this was seen as a “limited and negative” focus (Stewart, 2003 p.75). As a result the function was “broadened” to include policy review and “provide a more satisfying role for non-executive members and to provide a more effective check and balance to the power of the executive” (Snape, 2000, p.161). Government guidance on O&S (DETR, 1998, para 3.16) described the role of O&S as:

- Considering broad policy issues
- Evaluating executive proposals
- Advising the executive before final decisions were taken
- Reviewing executive decisions and policy implementation
- Producing reports and recommendations (Cole, 2001b, p.239).

While for Sandford and Maer, the practicalities of O&S involved: holding the executive to account; contributing to policy development and review; scrutinising external partners; undertaking performance monitoring (including Best Value); and participating in the setting of the annual budget (Sandford and Maer, 2004 p.23).

A number of additional processes and activities have been identified (see Figure 6) that could also be utilised by O&S. These range from internal activities, such as

discussion within committee meetings, officer reports and presentations, interviewing members and officers, to joint working with partner organisations and co-option of representatives of user groups. The underlying principles of such activities and process include transparency, accountability, responsiveness, inclusivity, flexibility and the power to influence (Snape and Taylor, 2001, p.6).

Figure 6: Overview and Scrutiny Processes and Activities adapted from (Snape and Taylor, 2001, p.14)

Internal processes <ul style="list-style-type: none"> • discussion within committee meetings • Officer reports and presentations • interviewing members and officers • desk-based review of available internal and external documentation • site visits within the authority • case studies • commissioned internal research. 	External processes – engaging partners <ul style="list-style-type: none"> • co-option of representatives of partner organisations • joint working with partner organisations • interviewing partners • visits to partners • workshops/discussions with partners.
External processes – general: <ul style="list-style-type: none"> • interviewing expert witnesses • conference attendance • visits to other authorities and other organisations; and • commissioning external research. 	External processes -engaging the public and users of services: <ul style="list-style-type: none"> • co-option of representatives of user groups • interviewing representatives of user groups • workshops • public meetings • researching public/user views • press releases and media launches.

Source: Adapted from Snape and Taylor (2001, p.14).

3.3.1 Members Role in Overview and Scrutiny

It has been said that New Labour's reforms of local government have produced the "most profound revolution in political management arrangements since the party politicisation of the 1960s and 1970s" (Snape and Dobbs, 2003, p.47) and has been "an attempt fundamentally to change the way councillors approach their business" (Fenwick, et al, 2003, p.32). The separation of members into executive

and O&S roles divides the council and while executive members have become the focus of leadership and decision making, the non-executive members' role has been seen as merely to "nit-pick over decisions already taken by an elite few" (Snape and Taylor, 2001, p.1). This goes against, arguably, the primary motivation of members in that they "go into local government to make a difference and make decisions" (Davis and Geddes, 2000 p.17). *Modernising Local Government: Local Democracy and Community Leadership* (DETR, 1998) stated that members, as community champions, will now represent the concerns of their constituents through O&S (Cole, 2001a). Therefore the role of O&S is to influence the decisions of the executive and/or policy committees (Rao, 1999, p.267).

The traditional role of a Cllr has been that of:

- *Representative* e.g. elected and accountable to their constituents
- *Community leader* e.g. working in partnership with other organisations
- *Policy maker* e.g. initiates, develops & reviews policy
- *Monitor/progress chaser* e.g. evaluating the effectiveness of policy delivery
- *Party activist* e.g. representing the party in debates and discussions (Snape and Dobbs, 2003, p.51).

O&S has had an impact on the generic Cllr roles. As can be seen the impact has been potentially negative as well as positive. For example:

- *Representative* - O&S is an additional forum to raise issues, but 'parochial' issues may be excluded
- *Community leader* – O&S of external bodies such as the NHS

- *Policy maker* – O&S can review existing policy but does not make new policy
- *Monitor & progress chaser* – members dislike Best Value reviews
- *Party activist* – O&S tries to exclude party politics (Ibid).

In addition Snape and Dobbs have identified three further roles which, if combined with those above, could be described as the meta role of “scrutineer”. They are:

- *Lobbyist* – influencing decision makers
- *Policy analyst* – using evidence more than traditional committees
- *Challenger* - holding the executive to account (Ibid, pp.59-60).

Table 3: Duties Undertaken as a Non-Executive Member Related to Overview and Scrutiny

Duties Undertaken as a Non-Executive Member Related to O&S	
Joined a task and finish group	65%
Pushed for an item to go on an overview and scrutiny agenda	59%
Been involved in policy development	48%
Visited outside organisations in relation to a scrutiny activity	47%
Called in a decision from the executive	29%
Achieved significant publicity for a scrutiny activity	25%

Source: Adapted from Stoker, et al (2004, p.51).

Previous research has shown that members are involved in O&S in a number of different ways. Table 3 shows the percentage of non-executive members involved in activities related to O&S. They range from *Called in a decision from the executive* (29%) to *Joined a task and finish group* (65%). Moving forward to 2006 and 2009 and survey work undertaken by CfPS (see Table 4) found that members are increasingly participating in O&S activities e.g. critically challenging decision-

makers (88% in 2009) and monitoring outcomes of previous work (85% in 2009). These activities illustrate an important aspect of O&S in that “a vital part of this process is simply the willingness to make overview and scrutiny work. It is not a passive system” (Sandford, and Maer, 2004, p.51). Indeed one of the CfPS 4 principles of good scrutiny states that O&S should be led by members (CfPS, 2006c).

Table 4: Members Roles in Overview and Scrutiny

Members Roles in O&S	% of Authorities	
	2009	2006
Presenting recommendations	83%	84%
Monitoring outcomes of previous work	85%	75%
Critically challenging decision-makers	88%	79%
Proposing/writing recommendations	67%	67%
Presenting an annual report to council	69%	63%
Conducting research outside of meetings	54%	63%
Proposing scrutiny topics at the public's request	56%	50%
Publicising the work of scrutiny	41%	N/A
Writing reports	20%	20%

Adapted from CfPS annual surveys 2006 and 2009.

There are a number of other factors that impact on members involvement in O&S. Firstly the experience of members of the old committee system. Members used to the old system are more likely to be negative towards O&S whereas “new members were far more eager than existing ones to get involved in, and make use of the scrutiny process” (Sandford, and Maer, 2004, p.51).

Secondly, Government guidance recognised that all those involved in O&S would require training (DETR, 1998). The Audit Commission identified specific skills such as being able to:

- Assess

- Probe
- Understand performance indicators and financial processes
- Compare data (Audit Commission, 2002a, p.24).

Subsequently there is an expectation that members “take part in such training and development opportunities as an integral part of their role as a councillors” (Snape, Leach and Copus, 2002 p.72). Indeed the need for training emphasised just how different the way of working in O&S and the old committee system were (Wilson and Game, 2006).

Thirdly, although it was envisaged that members would spend less time in committees, “the new political structure place similar demands on members time as the old committee system (Davis and Geddes, 2000, p.17). Indeed it is argued that O&S:

has proved more time-consuming than traditional committee work. To probe into policy issues, to identify community concerns or to examine in depth apparent service-failures cannot be carried out on the basis of a single meeting on a four or six-week cycle – or even longer. It can require several meetings and the active involvement of councillors. Where it has been successful, Cllrs have not experienced the reduction in time commitments anticipated by the Government (Jones and Stewart 2008, p.2).

Research has found that Cllrs in 2008 spent an average of 22 hours per week:

- Attending council, party and committees meetings (9.8 hours)
- On constituency work (7.5 hours)
- In external activities, e.g. meetings, seminars, training, travel related to council (5.6 hours) (National Foundation for Educational Research, 2009).

In summary, the generic role of a Cllr has been altered with the impact of O&S. They can now be regarded as a 'scrutineer' lobbying decision-makers, analysing policy and challenging the executive. Indeed it is argued that the role of the non-executive Cllr has been made "infinitely more interesting" (Leach 2009 p.6) and "they could have more influence on shaping policy or evaluating its impact than many of them would ever have under the committee system." (Wilson and Game 2006, p.115). However, even if members are said to have greater influence and a more interesting role it does not mitigate the "key point" that members are no longer part of the "formal decision-making role" (Fenwick and Elcock, 2004, p.530).

3.3.2 The Expanding Role of Overview and Scrutiny

There have been a number of areas where the role of O&S has been expanded. These include:

Health

The Health and Social Care Act (2011), and the subsequent guidance, established an O&S role in health provision. Local authorities often formed Joint Health OSC to investigate health issues and make recommendations to local NHS bodies, who when "there is a substantial development or variation to health services...are required to consult with the relevant OSC" (CfPS, 2010, p.18).

External partners

The importance of O&S of external partners has been highlighted as local authorities "engage partners to revolve the wicked, cross-cutting issues" (Leach 2005, p.22). Indeed it is stated that:

external reviews place the individual member at centre stage and require a recognition that the member has the potential to direct and influence the activities of other powerful organisations and agencies that impact on the quality of life of local communities (Snape, 2002 p.70).

The Local Government and Public Involvement in Health Act (2007) allowed O&S “to scrutinise other organisations which deliver services on the council's behalf, or ...have a significant impact on the well-being of the local community” (CfPS, 2010, p.22), such as Local Area Agreement partners. The Local Authorities (Overview and Scrutiny) Bill had intended to extend O&S powers over a wider range of organisations, however it was not enacted due to the general election in 2010 (DCLG, 2010, p.10).

Policing

The Police and Justice Act (2006) gave power to O&S to review Crime and Disorder Reduction Partnerships, but not the police themselves. (CfPS, 2010)

Councillor Call for Action and Petitions

New Labour sought to strengthen O&S and increase the involvement of local communities. The white paper *Strong and Prosperous Communities* envisaged Cllrs as ‘champions of communities’ in addition to the ‘critical friend’ of the executives (DCLG, 2006a). The Local Government and Public Involvement in Health Act (2007) allowed members and the public to raise issues with O&S via petitions and Councillor Call for Action (CCfA) when they had not been resolved through normal processes (CfPS, 2009b).

3.3.3 Overview and Scrutiny Work programmes

One of the 'principles' of O&S is that it is a member-led function (CfPS, 2006a). All members can suggest topics for their committee's work programmes, however there are a number of variables that need to be taken into consideration, when selecting and finalising them.

Firstly, "the job of a UK councillor in either a committee or an executive system is both multifaceted and potentially extremely demanding" (Wilson and Game, 2006, p.269). As both member and officer time is limited, "committees should focus on areas where they can have the greatest effect" (Sandford and Maer, 2004,p.26).

Secondly, it is suggested that, as O&S can slow down decision-making, therefore members should select "only a small number of issues per year... for intensive, deliberative investigation" and be "carried out judiciously" (Ibid, p.26).

Thirdly, the work programme is not planned too far in advance and is able to adapt to unforeseen issues. Thus, "six month work programmes are probably more workable than annual or two yearly programmes" (Snape and Taylor, 2001, p.11).

Fourthly, as most authorities have combined OSC's, members need to find a balance between the 'overview' and 'scrutiny' roles (Cole, 2001b). If O&S is "focused on 'scrutiny' of past decisions then it will be to the detriment of policy development" (Stewart, 2003, p.80). However if members concentrate on the

‘overview’ role the relationship with the executive¹ “may become too cosy. The ‘critical’ part of the ‘critical friend’ metaphor is just as important as the ‘friend’ part” (Snape, Leach, and Copus 2002, p.87).

Fifthly, while opposition members should be able to suggest topics as freely as majority party members it is suggested that issues that are party political² should be avoided as “it will affect the political climate of overview and scrutiny in the authority” (Leach, 2009b, p.15).

3.3.4 Overview and Scrutiny Recommendations

Ultimately the power to influence is made through the reports and recommendations made by O&S. The percentage of recommendations accepted by authorities has remained above 80% over a six year period. However it is the percentage of those recommendations that have been implemented, which is crucial. This has fallen from 83% to 74% over the same period (see Table 5). Analysis of the survey data suggested there was a correlation between the influence of party politics on O&S and authorities that have “a lower percentage of recommendations accepted” (CfPS, 2009, p.12). Those authorities that have the specialist model of officer support³ “are more likely to have higher acceptance and implementation rates” (Ibid).

¹ See section 3.5.4 p.74 for the relationship between O&S and the executive.

² See section 3.5.2, p.69 for the party politics and O&S.

³ See Table 6, p.64 for Models of O&S Support.

Table 5: Overview and Scrutiny Recommendations Accepted/Implemented 2004 - 2009

	2004	2005	2006	2007	2008	2009
Accepted	87%	81%	83%	81%	80%	85%
Implemented	83%	71%	74%	71%	70%	74%

Source: CfPS surveys 2004 -2009

3.3.5 The Call-In Procedure

As described above, a key role of the non-executive member is to hold the executive to account and one of the provisions of the Local Government Act (2000) was the creation of the call-in procedure. This allows O&S to request the executive or officers to review their decisions, which have not been enacted, if O&S consider it to “be contrary to the authority’s decision making principles” (CfPS 2006, p.3). Call-in requests:

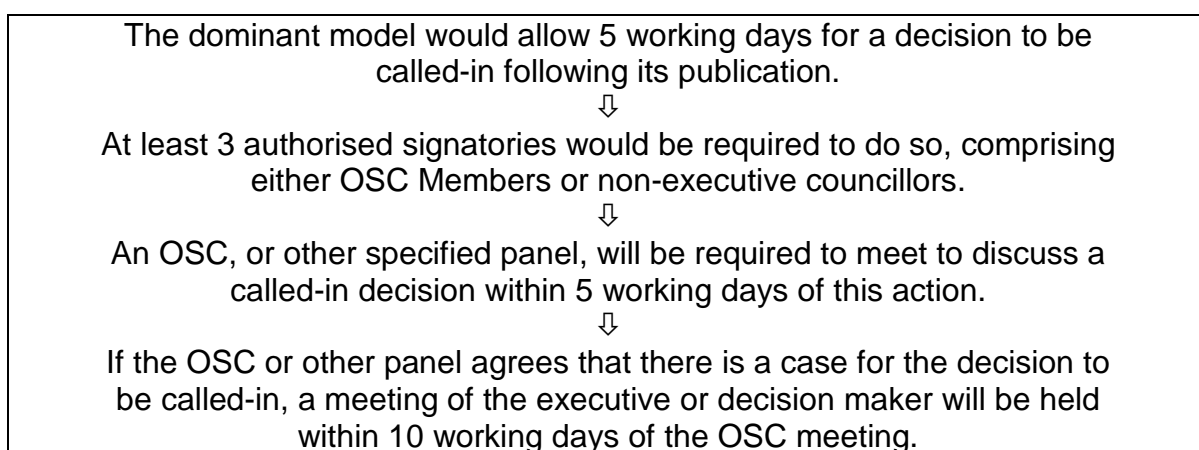
- Must only be made in exceptional circumstances
- Must be compelling
- And can be limited to non-urgent decisions, decisions outside the policy framework or budget (Ibid).

The call-in procedure for each individual authority is written into their constitution and has three elements:

- The call-in period - the period available after publication of a decision during which members can call-in the decision
- The call in trigger - the method used to call-in a decision
- Exemptions and limitations on the scope of call-in (Stoker et al, 2004, p.46).

Figure 7 highlights the dominant model of call-in in England. As can be seen, the call-in request is five working days following the publication of the decision and the number of persons required to make the request is at least three non-executive members. Table 6 shows examples of the exemptions and limitations to the call-in procedure and the percentage of authorities who use them.

Figure 7: The Dominant Model of Call-in in English Local Authorities



Source: CfPS (2006, p.7).

The rules for call-in detailed above, may be regarded as necessary, but they can also serve as barriers, and reduce the number of call-in requests (Stoker et al 2004). For example, if call-in requests from majority or opposition members are made to majority party chairs then they could be readily rejected as to not embarrass the ruling executive. Alternatively members' justification for the call-in may only be political. Therefore there is a "balance to draw between majority parties voting down irksome call-ins and allowing minority parties to call in enormous numbers of decisions" (Sandford and Maer 2004, p.31). Given the potential for politically motivated call-in requests and decisions it would be appropriate that an authorities monitoring officer (or some other senior officer)

determines the appropriateness of the call-in request rather than O&S chairs (Leach, 2009b).

Table 6: English Local Authorities' Procedures for Call-in

- | |
|--|
| <ul style="list-style-type: none"> • 70% allow 5 working days in which a decision may be called in before it is implemented • 47% allow only OSC members to call-in a decision • 37% allow the chair of an OSC to call-in a decision alone • 51% allow non-executive Cllrs who are not members of an OSC to call-in a decision • 35% require at least 3 authorised signatories to call-in a decision • 14% require cross, or multi-party support for a decision to be called-in • 2% allow the public to call-in a decision • 21% require an OSC to meet within 5 days of a decision to call-in and 20% require a meeting within 10 days • 14% require a called-in decision to be re-considered by the decision-maker within 10 days of the OSC's meeting • On average, 1 extra day is allowed for the decision-maker to reconsider than for the OSC to meet • 8% impose financial restrictions on the decision eligible for call-in, with £25,000 being the most common amount • 9% limit the number of decisions that may be called-in per annum, with 12 being the most prevalent amount • 4% limit the number of decision that a single member may call-in, or be party to calling-in, per annum, with 4 being the most likely restriction. |
|--|

Source: CfPS (2006, pp.3-4).

Research has shown that it is in fact the desire of members only to use call-in as a last option, when all other means have been exhausted, that is the greatest limit to its use (Sandford and Maer, 2004; Leach, 2005). It is also suggested that members will not use call-in as it is seen by senior Cllrs and officers as a failure of the O&S function itself. Subsequently to have no call-in requests during a year is not unknown (Leach, 2009b) and the average number of call-ins in 2009 was only 2.5 (CfPS, 2009). Therefore, it is suggested that members do not understand fully, and have failed to utilise the potential of call-in. As Leach states:

Major changes of attitude are required here if call-in is to play its proper role...If used responsibly, it provides a key mechanism for (holding to account) and contributes materially to the democratic vitality of the authority (Leach 2005, p.9).

3.4 The Structure of Overview and Scrutiny

The white paper, *Local Leadership: Local Choice*, stated that local councils “must set up one or more overview and scrutiny committees” (DETR, 1999 para 3.15), although government guidance on the Local Government Act 2000 allowed the smaller 4th option councils to have only one scrutiny committee (DETR, 2000, para 3.20) and one policy committee. With regard to the number of OSC committees, it was envisaged that they would have a “cross-cutting rather than narrow service-based view of the conduct of the local authority's business” and therefore, there would be “a relatively small number of such committees” (DETR, 2000, para 3.21).

It is recognised that “quite properly, councils themselves decide how to organise the O&S function” (Wilson and Game, 2006, p2.67) and there are a number of decisions for members to make. Firstly, how many OSC? The CfPS annual survey (2009), reported that the number of OSC varied between 1 -11, and the average number was 4 (CfPS,2009, p.3). Secondly, most authorities do not have separate ‘overview’ and ‘scrutiny’ committees, mainly for practical reasons, however it is argued that “there is merit in seeking to separate out the two roles, so that in each case members are clear what is expected of them” (Leach, 2009b, p.32). Thirdly, will the OSC mirror cabinet portfolios, service directorates, or “form cross-cutting committees which match neither portfolios or directorates” (Sandford and Maer, 2004, p.15). Finally, many authorities have chosen to create an O&S co-ordination

committee (sometimes referred to as a management board or forum). The composition of these co-ordination committees often include the overall chair of O&S⁴, the chairs/vice chairs of the OSC and, if they do not hold such posts, opposition members to ensure political balance. The advantage of such a committee is that it:

provides a degree of parity with the executive... strengthens the ability of overview and scrutiny chairs to negotiate with the executive over work programme items...(and) provides a forum in which key players from different parties can develop a set of understandings about legitimate processes for (opposition-led) challenge (Leach, 2009b, p.31).

The responsibilities of the co-ordination committee are determined by each individual authority, but in general they are to:

- Develop the work programme with the OSC and the executive
- Ensuring no overlaps and missed issues between OSC
- Co-ordinate the scrutiny of the annual budget
- Commission its own task-and-finish groups
- Review and make changes to the O&S function (Sandford and Maer, 2004; Leach, 2009b).

Previous research has identified four structural approaches to O&S (see Figure 8).

Briefly they are:

- *Multiple OSC* that combine the holding to account and policy review roles and allows many members to address cross-cutting issues

⁴ It is suggested that an opposition member should be the overall chair of O&S (Leach, 2009, p.31). See section 3.5.3, p.71 on the allocation of chairs/vice chairs.

- *Multiple scrutiny committees with a co-ordinating forum* to manage duplication of work and gaps between committees
- *Single standing committee* that is flexible to the ‘overview’ and ‘scrutiny’ roles, but potentially limits the number of members involved
- *Role differentiation model* that separates the ‘overview’ and ‘scrutiny’ roles into separate committees giving clarity to participating members. (Snape, Leach, and Copus 2002 pp. 48 and 51).

Other research has shown that nearly 69% of councils have adopted the multiple OSC structure (see Table 7). The smaller 4th option authorities will account for many of those that have only one OSC and less than 10% of those that responded to the survey in 2009 have separate ‘scrutiny’ and ‘overview’ committees (CfPS,2009, p.3). Indeed, it is suggested that by having separate roles so “members are clear what is expected of them” (Leach, 2009b, p.32).

3.4.1 The Style of Overview and Scrutiny

The manner or style in which the OSCs operate is integral to an effective O&S function: three models of committee have been identified (see Figure 9). Firstly, the *traditional committee* or “traditional service committees ‘in disguise’” has continued as “members and officers simply assume the same behaviour and activities that they have always performed” rather than change their culture. (Snape, Leach, and Copus 2002, p.10) Secondly, the *Parliamentary Select Committee* style changes the physical layout of the OSC (Leach 2005) and focuses on the questioning of members, officers and witnesses for evidence gathering to bring about effective challenge. However it can be seen as

Figure 8: Overview and Scrutiny Structural Approaches

Structural approach	Description	Potential advantages	Potential disadvantages
Multiple OSC (no coordinating forum)	<ul style="list-style-type: none"> • Two to seven or eight • Have a mix of cross-cutting and functional remit 	<ul style="list-style-type: none"> • More Members involved • Concentrate on key cross-cutting issues • Members develop specialisms • Spreads high workload • Can mirror cabinet portfolios • Allows experimentation in approaches 	<ul style="list-style-type: none"> • Gaps or overlaps between OSC • Understanding crosscutting briefs • Strain on officer support • Retention of committee culture • Inconsistency of approach
Multiple OSC with a co-ordinating forum	As above but with co-ordinating forum	As above, also <ul style="list-style-type: none"> • Gaps and duplication are managed • Lessons are learned across OSC • Single voice for O&S and powerful position for chair of the forum 	<ul style="list-style-type: none"> • Gaps or overlaps between OSC • Understanding crosscutting briefs • Strain on officer support • Retention of committee culture
Single standing OSC	One OSC and task and finish working groups	<ul style="list-style-type: none"> • Flexibility • Avoids an overly bureaucratic • Easier officer support to • A cohesive O&S team 	<ul style="list-style-type: none"> • Limits the number of members involved in O&S • Cuts down on Members specialisms • Difficult to undertake a high workload
Different structures for different roles	Separate scrutiny and policy development committees	<ul style="list-style-type: none"> • Ensures distinct roles are not neglected • Clarifies the different roles involved • Members specialise their role • Can 'free up' other scrutiny structures from difficult tasks 	<ul style="list-style-type: none"> • Overlaps and duplication of overview and scrutiny committees • Some structures can prove more popular than others with Members and officers

Source: Adapted from Snape, Leach, and Copus (2002, pp.49-50).

intimidating to some participants. Finally, the *Participative* style is the furthest removed from the old committee system. It is regarded as being more suitable for engagement with the public and partners and builds a more informal relationship between members and officers. However, its informality may not always be appropriate (Snape, et al 2002).

In summary, the guidance issued by the government, recognised that the structure of O&S is best determined by each individual authority. The adopted structure of committees will reflect its size, the members available to participate in O&S, officer support and the prevailing culture of the authority. Within England and

Table 7: Structure of Overview and Scrutiny Committees in England and Wales

Structure of O&S Committees in England and Wales⁵					
Committee Structure	2009	2008	2007	2006	2005
Multiple overview and scrutiny committees	69%	64%	65%	54%	59%
One "scrutiny" committee and multiple "overview" committees	9%	7%	12%	8%	16%
One OSC that commissions time-limited panels	16%	19%	17%	12%	14%
One OSC that does all the work	5%	11%	7%	8%	7%
Other	0%	0%	0%	18%	5%

Source: CfPS (2009, p.3).

Wales members and officers have indicated that multiple combined ‘overview’ and ‘scrutiny’ committees are most preferred, with some instances of single committees being operated by smaller and 4th option authorities. There are also concerns that the traditional committee style of operating O&S still remains “with its regular cycle of meetings, its routine-ised agenda and a style of chairing

⁵ Total of percentages may not equal 100% as rounding completed by CfPS.

Figure 9: Models of Overview and Scrutiny Committee Style

Model	Traditional Committee	Parliamentary Select Committee	Participative
Description	<ul style="list-style-type: none"> • A committee system 'in disguise'. The committee: meets in the same venue as pre-new structures; Members and Officers sit in the same places; agenda, minutes and reports are unchanged; Members and Officers behave as in the committee system; activities are meetings-based 	<ul style="list-style-type: none"> • O&S committees mirror the style of parliamentary select committees, in particular: the layout of select committees; the emphasis on oral evidence with internal and external witnesses; reports which fully cover the evidence gathered 	<ul style="list-style-type: none"> • Less formal, more participative approach to the work of overview and scrutiny. Can involve brainstorming, workshops, site visits, mystery shopping, and more informal partnership between Members and Officers
Potential advantages	<ul style="list-style-type: none"> • Members and Officers are familiar and comfortable with the way of working 	<ul style="list-style-type: none"> • Holds cabinet and senior Officers to account in public • Brings in external opinion and expertise • Evidence-based approach • Can be highly effective approach for engaging partners and the public • Develops questioning and analytical skills of Members 	<ul style="list-style-type: none"> • Can develop effective team work between Members and Officers • Particularly appropriate for contact with Members of public/user groups/certain partnership organisations as it is less intimidating • Can be a relatively cost-effective approach
Potential disadvantages	<ul style="list-style-type: none"> • Ultimately frustrating for Members since the key element for Members decision making is not present • Undervalues the potential of overview and scrutiny • Fails to recognise that a different role requires a different approach 	<ul style="list-style-type: none"> • Intimidating environment for less senior Officers • Intimidating environment for Members of public as witnesses/user groups/certain partner organisations • Highly resource intensive in terms of Member and Officer time 	<ul style="list-style-type: none"> • The lack of formality may not be conducive to undertaking certain roles • Can be criticised as less evidence-based • Unfamiliar approach for many Members and Officers

Source: Snape, Leach, and Copus (2002, p.52).

focusing more on getting the business through than on facilitating discussion” (Stewart, 2003 p.80), and that the adoption of the other styles (more appropriate for challenge and engaging with the public) will require a more radical change in culture, for example more deliberation and less consultation outside of the committee room.

3.4.2 Overview and Scrutiny Resources

In *Local Leadership, Local Choice* (DETR, 1999), New Labour recognised that O&S would require some separate administrative and financial support. In addition, guidance on the implementation of O&S stated that “to be effective, overview and scrutiny committees must have effective and properly resourced support from officers” (DETR, 2000, para: 3.45) and that “Local authorities should provide overview and scrutiny committees with a discrete budget” (Ibid, para: 3.46). This, however, has been described as one of the most “controversial and contentious aspects of the new political management arrangements” (Snape, Leach and Copus, 2002, p.81); specifically, the challenge to the unified officer structure. Local government officers have always served the whole council, but now had a potentially conflicting role serving both distinctive and separate executive and O&S functions. (Cole, 2001b; Wilson and Game, 2006). Therefore “authorities were resisting making a hard split between those officers supporting scrutiny and those supporting the executive” (Fox, 2004, p.388). However the sustainability of unified officer structure had already been questioned (Fox and Leach, 1999; Audit Commission, 2001). The traditional view that chief executives and senior officers work for the whole council was already questioned by

opposition members, who would argue that they worked for the majority party and now the suggestion was the focus of officers would be on the new executives (Stewart, 2003). Indeed it is argued that the unified officer structure and the unified advice it offers to members “has to be jettisoned” for effective O&S as, “legitimate professional differences ...should come to be valued, setting the scene for a much more open and creative form of public debate” (Leach, 2005, p.27). On a practical level, O&S requires dedicated officers because there needs to be more flexible administration of OSC than traditional committees and research and analysis to help OSC investigations (Stewart, 2003). However, there are other more compelling reasons for dedicated officers. Firstly, O&S in authorities with no O&S officers is “noticeably underdeveloped, lacking a champion within the authority to make sense of the role” (Sandford and Maer, 2004, p.7). It was envisaged that a senior officer, such as a director, would champion O&S other than those directly involved with it. Secondly:

provided he or she has the requisite qualities (analytical ability, political acumen, networking ability) one dedicated individual can transform the performance of overview and scrutiny in a small shire district (Leach, 2005, p.26).

Thirdly, it is argued that O&S functions with dedicated officers:

- Do more pro-active work
- Support more working groups
- Prepare members better for meetings
- Have more time to take evidence
- Have recommendations accepted because they are thoughtfully written and presented (Sandford and Maer, 2004).

Fourthly, discretionary budgets give O&S the resources to interview witnesses, arrange fact finding visits and commission expert advice when they require it; independently from the rest of the council. However O&S has had to obtain this funding from within the authority. It is said that they have not been directly funded by central government as O&S is seen as “self-financing” from the financial savings it makes for the local authority (Sandford and Maer, 2004, p.33).

Finally, it is argued that dedicated officers and discretionary budgets are not sufficient as O&S will require assistance from within the authority. Therefore it is suggested that “scrutiny link officers” from the middle tier of management - preferably with research or performance responsibilities - “facilitate the work of overview and scrutiny in the authority”, and a senior manager, preferably with responsibility for performance acts as a “scrutiny champion” to promote the work and understanding of the O&S function within the authority (Leach, 2009b, pp.28-29). The average number of full-time equivalent (FTE) dedicated officers in England and Wales in 2009 was 3, with the smaller district authorities averaging 1.5, whereas the larger county councils had 4.3 and unitary authorities 3.6 (CfPS, 2009). This is in contrast to 2005 when the average number of FTE dedicated officers was 2.6, district authorities averaged 1.2, county councils 4 and unitary authorities 2.8 (CfPS, 2005). The approach to officer support of O&S is described as either *minimal*, *integrated* or *specialist* (see Figure 10) with the differences primarily being between the level of dedicated support.

Figure 10: Approaches to Officer Support

Minimal	Direct Officer support is provided by committee Officers, who also provide support to other political forums, such as the executive, full Council and so on.
Integrated	Direct Officer support is provided, on a part-time basis, from a variety of sources, including committee services, Officers within departments and corporate policy Officers. All these Officers also undertake work for the executive.
Specialist	Direct Officer support is provided by a scrutiny support unit with dedicated Officers, who only work to their overview and scrutiny committees.

Source: Snape and Taylor (2001, p.12).

The annual surveys of O&S members and officers by the CfPS shows that for the period 2006-2009 (when the data can be compared) there is an increasing move to the *specialist* model (see Table 8). *Minimal* support is most likely to be found in 47% of the smaller district/borough authorities, whereas 67% of county councils and 61% of unitary authorities in 2009 are more likely to have the resources to support the *specialist* model.

Table 8: Models of Overview and Scrutiny Support

Authority Type	Minimal (Committee) Model		Integrated Model		Specialist Model		Other	
	2006	2009	2006	2009	2006	2009	2006	2009
County Council	8%	17%	17%	4%	75%	67%	N/A	13%
District/Borough Councils	47%	47%	22%	4%	31%	41%	N/A	8%
London Borough	6%	18%	22%	5%	73%	68%	N/A	9%
Metropolitan Boroughs	19%	19%	13%	0%	69%	67%	N/A	14%
Unitary Authorities	15%	26%	15%	9%	70%	61%	N/A	4%
Welsh Authorities	25%	17%	25%	0%	50%	75%	N/A	8%
All Authorities	31%	33%	19%	4%	47%	55%	N/A	8%

Adapted from CfPS Annual Survey 2006 and 2009

With regard to discretionary budgets, after rising substantially in 2005 they have fallen back to 2004 levels in 2009 (see Table 9). Again it is the smaller district/borough council that have the lowest: approximately £5,000 in 2009, with county councils £10,000 and unitary councils £20,000 (CfPS, 2009). In summary, there are still authorities that have no dedicated O&S officer support (Leach, 2009b) and the lack of dedicated Officer support to O&S in some authorities has been described as “indefensible” (Wilson and Game, 2006, p.115). Dedicated officer support has been established and grown, especially in the larger authorities, but after a high in 2005 of £18,141 average dedicated budgets have fallen to £8,687.

Table 9: Average Discretionary Budgets All

Average discretionary budgets all authorities	
2004	£8,280
2005	£18,141
2006	£11,772
2007	£11,853
2008	£9,917
2009	£8,687

Source: Authorities CfPS Annual Survey 2006 and 2009

They now have a greater chance of effective O&S as “dedicated units provide ... analytical capacity geared specifically to the requirements of the overview and scrutiny process” (Snape, Leach and Copus 2002, p.81). However, even well resourced O&S cannot command the resources of the whole authority. Therefore effective O&S requires “an increased flexibility on the part of all professional officers” (Ibid).

3.5 The Political ‘Culture’ of Councils

Every local authority is unique and a significant reason for this is the political ‘culture’ of councils. As Wilson and Game note:

Understate its significance, and one risks completely misunderstanding how and where the most important council decisions are actually made. Overstate it, and one falls into the trap off assuming that all councils are run on tightly disciplined party lines, and that all decisions are party-based (Wilson and Game, 2006, p.297).

The majority of councils in England have political party systems and most of the Cllrs are elected as candidates for, and organised by, national political parties (Young and Davies, 1990). There are fewer independents and minority party Cllrs, although they are still represented in rural areas (Wilson and Game, 2006) and this has been the trend in the UK especially since local government reorganisation in the 1970's (Gyford et al, 1989 in Wilson and Game, 2006). As such “local representation is viewed by a Cllr through the prism of the political party group” (Leach and Copus, 2004, p.337). In 2005/06, of the 46 unitary authorities in England (the focus of this research), the majority had fully developed party systems and most were dominated by two or one parties (see Table 10).

Table 10: Party Systems in Unitary Authorities in England 2005/06

Party System and Definition	Total
Completely/Predominantly Non-Partisan (60% or more seats held by Independents)	0
Weak Partisan (20-59% seats held by Independents)	5
Multi-Party/Fragmented (20% or more seats held by third party/parties)	10
Two-Party (80% or more seats held by two parties, neither more than 60%)	17
One-Party Dominant (60-75% of seats held by one party)	12
One-Party Monopolistic (75% or more seats held by one party)	2
Total	46

Adapted from: Wilson and Game, 2006, p.298.

There are a number of advantages and disadvantages to party politics in local government (see Figure 11).

Figure 11: The Pros and Cons of Party Politics in Local Government

The Merits and Benefits	The Counter-claims
<ul style="list-style-type: none"> • More candidates and fewer uncontested seats • More active campaigning • Clarification of issues via party policy • More citizen awareness and interest in local government • Stimulation of change and initiative via development of party policy • More opportunities for public involvement • Enhanced accountability as party pledges can be held to account • Governmental coherence following a decisive election result • Enhanced local democracy by electoral endorsement of party policy. 	<ul style="list-style-type: none"> • More party candidates fewer Independents • Narrower debating of issues • Less electoral enlightenment as debate is polarised • Electoral boredom of electors • Less public involvement as public do not want to join parties • Nationalisation of local elections as national issues dominate • Reduced representativeness of councils • Excessive party politicisation of issues • Reduced local democracy • Exclusion of professional advice

Adapted from: Wilson and Game, 2006, p.316.

It is the last four counter-claims that concern the effectiveness of O&S the most. Firstly, *reduced representativeness of councils* as the majority party allocates all the positions of power to its members so their policies are implemented and no others. Secondly, *excessive party politicisation of issues* limits the possibility of working by consensus. Thirdly, party discipline inhibits individual choice and results in *reduced local democracy*. Finally, decisions are made for political reason to the *exclusion of professional advice* from professional officers and experts. That is not to say that Independent Cllrs will be better at making the right decisions because they are free from party interference. An alternative question could be 'does the executive/non-executive split give the political parties' rank and file the opportunity to work consensually and with less party discipline'? Or will O&S be a

forum for councillors to show discontent with party leadership, but then tow the party line in internal party meetings?

Subsequently the prevailing view of local government was that decisions and policy were decided in the party group room, which is the “antithesis of the overview and scrutiny process, predicated... on openness, transparency, inclusivity and cross-party deliberation” (Leach and Copus, 2004, p.388). Therefore party politics, especially single party dominance, affects accountability (Gyford, et al, 1989; Stoker, 1991).

Party groups have continued to function as before the structural changes, but it was recognised that they would need to adapt to the new political structures (Stewart , 2003). Indeed it was argued that party groups are too introspective and that “group loyalty and discipline closes down, rather than stimulates public debate and involvement” and damages “councillors’ willingness and ability to hold the executive to account” and “openness and transparency” (Copus, 2001, p.14 in Stewart, 2003). Therefore O&S “requires a change in political culture and approach for many members” (Snape, et al 2002, p.74).

3.5.1 Party Group Discipline

The reason for party group discipline is that the ruling party (or coalition) wishes to remain in power, while the opposition attempt to remove them. Therefore members who disagree with their party in public - and on too many occasions - would expect to be sanctioned in some way, which is not conducive to effective O&S (Leach, 2009b). Subsequently party discipline will be tightest were the majority party (or coalition) faces electoral challenge from the opposition, whereas

it will only be relaxed where the opposition is weak and unlikely to gain victory at an election (Leach and Copus, 2004).

Regarding the political culture of local government and its relationship to O&S, the Local Government Act (2000) provided that O&S committees “must reflect the political balance of the authority” (DETR, 2000b, para: 3.11) and that government guidance stated that “whipping is incompatible with overview and scrutiny” and “should not take place” (Ibid, para: 3.44). On the latter point, given that they introduced the new political arrangements, the Labour Party agreed not to allow whipping (Leach, 2001a). The significance of parties not using the whip is that if O&S committees have not unanimously agreed their recommendations, because of party political differences, it will weaken their influence (Sandford and Maer, 2004).

This is not to say that members should entirely suppress their party political beliefs. They will still influence their views within OSC deliberations, but not overtly and “nor should they be expected to – differences in values and value-based priorities and programmes are an essential ingredient of the local democratic process” (Leach, 2009b, p.14).

3.5.2 The Influence of Party Politics on the Overview and Scrutiny Function

As can be seen from the above, influence of the party group over non-executive members “can be both a driver for effective overview and scrutiny and a potential block” (Stoker et al, 2004, p.50), although some would see it just as a barrier (Wilson and Game, 2006). Leach and Copus (2004) have identified four models of

party group approach to O&S (see Figure 12). Research has shown that party groups are operating the *Filter* and *Leviathan* models, which “represent minimal, or no change, in the conduct of Council politics”. Whereas the *Partner* and *Arbitrator* models would “allow councillors to challenge, question and criticize an executive comprising of party colleagues, while maintaining a distinct party identity and programme” (Leach and Copus, 2004 p.352).

Figure 12: The Party Group Effect on Overview and Scrutiny: 4 Models

Model 1: The group as partner operates with an almost complete relaxation of group discipline, becoming a deliberative and advisory body only and does not apply a whip to any business.	Effective O&S most likely
Model 2: The group as arbitrator role is to make the new arrangements work and deal with disagreement between the executive and overview and scrutiny and to identify potential problems between them.	Effective O&S uncertain
Model 3: The group as filter positions itself between the executive, overview and scrutiny and full Council and deliberately filters the communication and interaction between them, acting as an informal but important part of the decision- and policy-making system.	Effective O&S uncertain
Model 4: The group as Leviathan ensures it has complete control of all aspects of political decision-making.	Effective O&S least likely

Source: Adapted from Leach and Copus (2004, pp.340-34 and p.351).

The debate surrounding the party political control of O&S, whilst important to the effectiveness of O&S, can (for both sides of the debate) also be considered in the context that just 5% of council decisions are said to be party political. Therefore it is argued that O&S should avoid them and instead focus on the 95% non-political issues that it can hope to influence (Leach 2005, 2009).

In summary, the research suggests that O&S has not realised its potential because “party politics, party group cohesion, loyalty and discipline predominate in

local government and are unlikely to evaporate in the face of new council constitutions” (Rao, 2006, p.21). Furthermore, non-executive members in O&S will be required to balance “open, public deliberation... whilst maintaining a clear party identity and cohesive party approach to the conduct of council affairs” (Snape, Leach and Copus, 2002, p.74) whilst focusing on the non-controversial issues they can influence. In addition majority parties need to relax the “unacceptable” and “unnecessary” control they have over O&S as it is demotivating for non-executive members (Leach, 2009b, p.21).

3.5.3 The Allocation of Chairs and Vice Chairs

The research has shown that “having an effective chair of an overview and scrutiny committee was consistently seen by both officers, executive members and non-executive members to be of great importance to the successful development of that committees work and understanding of new roles” (Stoker, et al, 2003, p.43).

Subsequently the role of a chair/vice chair is to:

- Lead, co-ordinate, prioritise and develop the work programme
 - Engage and develop the skills of the members of the committee
 - Ensure financial and officer support resources are provided
 - Develop the ‘critical friend’ relationship with the executive and chief officers
- (Snape and Taylor, 2001).

Government guidance suggests that in authorities where there is a majority group, “all or some” of the O&S committees are chaired by the opposition or the church or parent government representatives (DCLG 2006b, para 3.30). Indeed it is argued

that by sharing chairs “responsible, but challenging scrutiny can be facilitated” (Leach, 2009b, p.30).

The preferred allocation of chairs and vice chairs would be “all-party, either proportionate to the relative strength on the council, or giving greater than proportionate weight to opposition parties” (Leach and Copus, 2004, p.350) and that the vice chairs are from a different party than the chair (Leach, 2009b).

However, despite the guidance from government and research showing that 68% of Cllrs, 69% of non-executive Cllrs and 84% officers are not opposed to opposition chairs (see Table 11), in 2009, 44% of authorities gave no chairs to the opposition, 37% gave some, and 19% gave all chairs to the opposition (CfPS, 2009).

Table 11: Councillor and Officer Responses to the Statement ‘Chairs of Overview and Scrutiny Should Not Be From The Majority Party’.

	Agree	Neither Agree nor Disagree	Disagree
Councillors	47%	21%	31%
Non-Executive Councillors	50%	19%	29%
Officers	44%	40%	15%

Source: Adapted from Stoker, et al (2004, p.53).

The allocation of chairs and vice chairs varies between political parties (see Table 12). For example:

- 57% of Labour controlled authorities do not share chairs whereas the majority of Conservatives and Liberal Democrats (Lib Dems) do
- 50% of Conservatives do not share vice chairs whereas the majority of Labour and Lib Dems do
- Only 21% or less of authorities have all opposition chairs and vice chairs.

Research suggests that there are a number of reasons why chairs and vice chairs are not allocated to opposition members. Namely:

- Chair and vice chairs are positions of status and attract special responsibility allowances (Stoker, et al, 2003; Leach and Copus, 2004)
- The executive wants to control the O&S work programme and opposition chairs will become too close to the majority party (Leach and Copus, 2004)
- All opposition chairs would make O&S an opposition-led process (Ibid).

Table 12: Percentage of Chair/Vice Chairs Shared by Political Party

Control	Don't share Chairs	Keep at least one Chair but share others	All Chairs held by other parties
Con	38%	42%	20%
Lab	57%	29%	14%
Lib Dem	37%	42%	21%
Control	Don't share Vice Chairs	Keep at least one Vice Chair but share others	All Vice Chairs held by other parties
Con	50%	32%	18%
Lab	38%	42%	21%
Lib Dem	41%	41%	18%

Source: Adapted from CfPS (2009, p.5).

Equally, research suggests that there are a number of reasons why chairs and vice chairs should be allocated to opposition members. Namely,

- It will encourage all members to participate in O&S (Sandford and Maer, 2004)
- Sharing chairs facilitates cooperation, consensus and encourages responsible opposition (Snape, Leach, and Copus 2002; Leach, 2005)
- It prevents the executive and O&S becoming too close (Leach, 2005)
- O&S chairs do not have the 'power' of the old committee system chairs (Sandford and Maer, 2004)

- Minority party chairs cannot prevent the ruling party or coalition using their majority (Ibid).

In summary: when considering the allocation of chairs it would be natural to assume that, given there is prestige and financial gain to becoming a chair or vice chair, majority leaders would not want to give up this patronage nor would their political colleagues want them to. In addition the leadership could be accused of keeping the opposition too close, or too far, from the leadership of the authority. It is perhaps understandable that opposition members desire a proportionate share of what is supposed to be a non political activity.

3.5.4 The Relationship of Overview and Scrutiny with the Executive

Following on from the interaction within, and between, political groups perhaps the most important relationship, as one of the most significant conditions for the potential effectiveness of O&S, is the one with the executive (or policy committee) (Ashworth, 2003a). In the majority councils the executive will be made up of members from the majority party (or coalition), but in some authorities places on the executive may be allocated to a minority party representative to reflect the political balance of the council. Whatever the makeup of the executive (or policy committee) “a good relationship is important because the mutual respect means the cabinet member is more likely to take seriously a recommendation of the (O&S) committee” (Sandford and Maer, 2004, p.50).

Government guidance encourages executives (or policy committees) to ask O&S to undertake in-depth policy development and review (DETR, 2000b, para: 3.24), especially as O&S has the time the executive (or policy committee) does not have

(Snape, Leach, and Copus 2002). Indeed, it is stated that in this respect “the executive and O&S are interdependent” and therefore “collaboration is required if they are both to work effectively” (Wilson and Game, 2006, p.268).

The method of communication with the executive (or policy committee) can determine the nature of the relationship and vice versa. O&S committees submit written reports for consideration, however recommendations personally delivered, for example, by the O&S chair are “much more difficult to ignore or marginalise” (Leach, 2009b, p.26). The relationship may be soured if the executive or an individual executive member views ‘critical friend’ challenge as a personal attack or embarrasses them (Leach, 2009b). However it is suggested that: “conflicts... are mainly likely to arise where overview and scrutiny is being used for faction fighting within or between parties” (Stewart, 2003 p.82).

The approach the ruling party or coalition take to O&S will also determine the relationship between them: Leach describes three approaches (see Figure 13).

Figure 13: Approach to Overview and Scrutiny by Ruling Party or Coalition

Marginalisation – which involves an attempt to minimise the potential damage and embarrassment that might emanate from the oppositions use of overview and scrutiny by seeking to exert political control over it.
Manipulation – which involves an attempt to accentuate the positive aspects of overview and scrutiny, whilst minimising the changes to the administration. Typically this approach uses overview and scrutiny on a consultative (and, where seen as appropriate) a policy development mechanism.
Openness to challenge – which involves an encouragement of and responsiveness to the work of overview and scrutiny whether it is critical or whether it involves policy recommendation.

Source: Adapted from Leach (2009, p.35).

The approach of marginalisation is said to be used when the executive or policy committee of the ruling party or coalition is “threatened” by O&S and chooses to minimise its influence by:

- Not meeting O&S chairs
- Developing other policy development mechanisms e.g. cabinet working groups
- Giving only a minimal response to recommendations
- ‘Shelving’ O&S reports (Leach, 2009b, p.10).

Through manipulation the executive (or policy committee) controls the work of O&S through “cabinet sympathisers”, for example, all chairs are from the majority party (or coalition) or the overall chair is from the majority party where chairs are shared. This approach is more preferable than marginalisation, as the work of O&S will be considered and may be influential, however “the ‘overview’ role of the function is emphasised... whilst the ‘scrutiny’ role... is relatively neglected” (Ibid, p.11). Therefore in this approach, O&S effectively agrees not to embarrass the executive or policy committee “in return for this limited degree of influence” (Ibid, p.12).

Openness to challenge was the approach envisaged by New Labour. The executive (or policy committee) accepts the role of O&S has to be open to challenge and be able to change decisions and policy. In return, opposition members need to suppress overt, politically motivated challenges and make evidence based recommendations. This is the required conditions for an effective form of O&S “which accepts the reality of politics (including party politics) but which attempts to channel it in a positive direction” (Ibid).

Stoker, et al, (2004) detail four forms of O&S function that also describe the relationship between the executive (or policy committee) and O&S. Similarly they are based on conditions or, in this case, indicators (see Figure 14). The research shows that effective O&S is influenced by the form of the O&S function. Therefore what makes O&S effective in a particular authority is determined by the “interplay of different contextual factors”. It is argued that it is the “deep-set contextual issues” in which O&S functions that shapes the behavioural, attitudinal and constitutional conditions/factors and that “ultimately, context triumphs over such centrally imposed structural solutions” (Ashworth and Snape, 2004, p.552-553).

In summary, O&S has only the power of influence by producing recommendations that are based on evidence and subsequently difficult for the executive (or policy committee) not to consider. Therefore O&S will want to develop a relationship, which will foster influence. The choice for the executive (or policy committee) is whether to marginalise, manipulate or be open to O&S. It is argued that it should be the latter as:

For a reasonable competent and confident executive (majority party or coalition), there is little to lose from an ‘opening up’ of the overview and scrutiny process, and perhaps more to gain than is sometimes realised (Ibid, p.19).

New Labour’s desire for improved management and increased public involvement in local government was encompassed in the 1998 white paper *Modern Local Government: In Touch with the People* (Fenwick and Elcock, 2004). Indeed government guidance for the Local Government Act 2000 stated “there should be greater dialogue between all councillors, the public and other stakeholders than has often been the case in the past.” (DETR, 2000, para: 7.10) Therefore, public

Figure 14: Forms of Overview and Scrutiny

O&S forms	Management tool	Apolitical entrepreneurship	Opposition game	Disengaged
Constitutional indicators	<ul style="list-style-type: none"> • Restrictive call-in procedure may be relatively well resourced • Majority chair. 	<ul style="list-style-type: none"> • Call-in procedure more open may not be well-resourced • Either opposition or majority chair. 	<ul style="list-style-type: none"> • May or may not be well resourced • Opposition Chair • Call-in procedure relatively unrestricted. 	<ul style="list-style-type: none"> • Restrictive call-in procedure poorly resourced • Either opposition or majority chair.
Behavioural indicators	<ul style="list-style-type: none"> • No or limited use of call-in • Agenda often set by either political or officer executive • Emphasis on policy development and review rather than challenge • High overview & low scrutiny. 	<ul style="list-style-type: none"> • More frequent call-in of decisions • Agenda under the control of Cllrs that run with issues • Executive unsure about how to respond • High scrutiny & high overview. 	<ul style="list-style-type: none"> • May make use of call-in or intensive policy reviews to make opposition points • Co-ordinated agenda setting in control of O&S • Relations with executive tension-filled • High scrutiny & low overview. 	<ul style="list-style-type: none"> • No or limited call-in. • Lack of meetings, effective agenda or output • Little or no activity and what there is tends to be ad hoc and unplanned • Low scrutiny low & overview.
Value or Attitude indicators	<ul style="list-style-type: none"> • O&S seen by Members to be playing a constructive part in the council's management. • Purpose is seen as supporting the executive. 	<ul style="list-style-type: none"> • Policy not politics • Search for innovative solutions to council issues. • Aims to be robustly independent of the executive, but not automatically critical • O&S seen as an opportunity by a few 'awkward squad' Cllrs to take up issues. 	<ul style="list-style-type: none"> • Commitment to holding the executive to account • Seen as team job and potentially as a benefit to the opposition group 	<ul style="list-style-type: none"> • O&S seen as very second class activity, lack of commitment
Strengths	<ul style="list-style-type: none"> • Value added in policy making. 	<ul style="list-style-type: none"> • Scrutiny champions provide example. 	<ul style="list-style-type: none"> • High challenge to executive. 	<ul style="list-style-type: none"> • Scope for improvement.
Weaknesses	<ul style="list-style-type: none"> • Little challenge to executive. 	<ul style="list-style-type: none"> • Skills gap • Not organisationally ingrained. 	<ul style="list-style-type: none"> • Impedes efficiency. 	<ul style="list-style-type: none"> • Little fulfilment of Cllrs, corporate or community goals.

Source: Adapted from Stoker, et al (2004, p.59).

involvement in the new political management arrangements and O&S can be viewed as part of New Labour's democratic renewal agenda (Leach, 2005, p.16).

Public involvement in O&S is important because O&S "is in an ideal position to facilitate public involvement in the council's decision-making processes" (Leach, 2005, p.19). While recommendations that are based on evidence provided by "those whose lives are affected by the issues under consideration" (Sanford and Maer, 2004, p.31), it is suggested, "it would be that much more difficult for even an unresponsive executive ignore" (Leach, 2005, p.17).

Research has identified four means by which the public can be involved in O&S:

- By contributing to the O&S agenda
- By attending O&S meetings as spectators
- Being a co-opted member of an OSC
- By providing evidence as witness to an O&S review or investigation (Shape, Leach and Copus, 2002, p.90).

One of the 4 four principles of good scrutiny is for O&S to "reflect the voice and concerns of the public and its communities" (CfPS, 2004a, p.2) and this can be achieved by direct public involvement in the development of the O&S work programme. Non-voting co-optees can suggest topics and most local authority websites will have details of how the public can suggest topics either online or by post. However, the CfPS Annual Survey (2009) found that the average number of suggestions for O&S topics from the 'general public' was only four, with 45% of authorities having received none (CfPS, 2009, p.4). Therefore it is suggested that public involvement has been by stakeholders representing the "organised public" (Leach 2005, p.16) as opposed to the general public.

Although O&S meetings are open to the public and minutes and reports are published “it can be extremely difficult to excite and engage the public” (CfPS, 2004a, p.8). This is perhaps not unexpected given that “the public's knowledge of the new arrangements for local political management is slight, and the level of public interest is low” (Fenwick, et al, 2003, p.30). The public are only interested when the issue is of direct concern to them (Lowndes, et al, 2001; Fenwick, et al, 2003). Indeed if members and officers do not understand the role of O&S “it is hardly surprising that the public is not fully convinced of its value.” (Fenwick and Elcock, 2004, p.529).

One potential mechanism for greater public involvement with O&S is the area forum/neighbourhood committee approach that has been established in many local authorities. Typically, these consist of the local ward members, representatives from partner organisations, such as the police, and members of the public and often they have been delegated budgets to spend as they see fit on local issues. Given their local characteristics and makeup they could be a vehicle to develop O&S and community engagement at a local or area level. It is argued that “an area dimension to the overview and scrutiny process will ensure that overview and scrutiny activities are immediate to the concerns of local people and located within the very communities they serve.” (Snape, Leach and Copus, 2002, pp.71-72). However, research has shown that area committees/forums and O&S “were seen as wholly separate mechanisms” (Ibid, p.87) although some authorities had considered a dual function.

In summary, New Labour’s modernisation of the political structures and renewal of local democracy requires “a greater degree of public ‘engagement’ in order to be

deemed successful” (Fenwick and Elcock, 2004, p.535), however despite some authorities making improvements on public consultation this aspect of O&S remains underdeveloped (Crouch, 2009).

3.6 Comparisons Between Overview and Scrutiny and Parliamentary Select Committees

Before moving on to the next section on the effectiveness of O&S it is perhaps worth reflecting on the origins of O&S, the PSC, and how they compare. There are a number of differences and similarities between local government O&S and PSC. The differences are that:

- PSC are tasked only to scrutinise, whereas O&S assists the executive in policy review and development
- PSC are supported by parliamentary officials and not the civil service. Officers in local government are part of the same ‘unified’ corps
- PSC are more aggressive in terms of questioning than O&S
- The party group system is more ‘rigid’ in local government than central.

The similarities are:

- All party support for the function is encouraged
- Analysis and evidence are favoured and party politics discouraged
- Whipping is discouraged
- Both functions can only influence
- They give ‘backbenchers’ an opportunity to influence decisions and policy (Leach and Copus, 2004, p.337.

As can be seen the purpose of the two functions are the same, but the significant difference is that the relationship with their respective executives is much more adversarial with PSC, whereas O&S is the “critical friend”.

3.7 Effective Overview and Scrutiny

As discussed previously, the original aims of the modernisation agenda were to see greater efficiency, transparency and accountability in local government (Snape, Leach and Copus, 2002). The O&S function was to have a significant role in achieving these aims. The various elements that constitute an O&S function have been addressed previously, in this section we will attempt to answer the question of what is good, successful or (as is the focus of this thesis) effective O&S? During the early development of O&S a number of potential benefits of an effective O&S function were proposed, such as:

- A more valued, knowledgeable and skilled role for non-executive members
- Supporting the executive (or policy committees) to develop strategy, policy and improve services
- Evidence based decision making and policy development
- Being able to address the cross-cutting ‘wicked issues’
- Developing relationships with the authority’s partners
- Increasing public involvement in local governance (Snape, 2001).

However with regard to the effectiveness of O&S it has been suggested that local authorities and Cllrs have failed to fully utilise their power and influence. In a speech on strengthening local democracy John Denham MP (2009) expressed the opinion that:

Over the past few years, the power of scrutiny has been extended more widely than most people realise. And, as yet, I'd argue that few local authorities or bodies of councillors have fully utilised the powers on the statute book. In many ways, scrutiny is a lion that has failed to roar⁶. Yet done properly, effective scrutiny is a power tool for influencing local service delivery (Denham, 2009).

The research on the development of O&S has addressed the issue of good practice and effectiveness and found that two elements are central, namely “effective processes and tangible outcomes” (Snape, Leach, and Copus 2002, p.12). With regard to outcomes the report for the ODPM (*The Development of Overview and Scrutiny in Local Government – 2002*) found that:

‘successful’ overview and scrutiny has to involve tangible and substantive outcomes. This means that overview and scrutiny committees must be able to demonstrate that they have:

- Held the decision-makers to account;
- Supported the development of effective policies and initiatives which have a beneficial impact on the community;
- Contributed significantly to continuous improvement in services through best value;
- Positively impacted on the work and outcomes of external agencies (Ibid, 2002, p.11).

Therefore, for effective O&S, it is essential that it “makes a difference” to communities or “adds value” to services (Leach, 2005, p.5). However, questions have been raised as to the practicality of measuring outcomes. When the London Assembly responded to the Committee on Standards in Public Life’s inquiry into openness and accountability in London government, they identified a number of difficulties in measuring the effectiveness of O&S, namely:

- The process of holding the executive to account is difficult to evaluate

⁶ The suggestion that O&S is a ‘lion that has failed to roar’ was put to those interviewed (see Appendix A, B,C,D, E and F).

- The improvements that recommendations are intended to achieve may not materialise for some time
- If O&S did not happen, you would not be able to measure what it prevents
- The influence of O&S may not always be acknowledged by those it scrutinises. (London Assembly, 2009).

It concluded:

It is tempting to try to measure the effectiveness of scrutiny by counting the number of recommendations that have been implemented, or applying other numerical analyses to the process and outputs of scrutiny work. However, such measures do not capture the complexity or the quality of accountability or the impact of effective scrutiny (Ibid, p.9).

This view is supported by Snape, Leach and Copus (2002) who focus on only 'power' of O&S – that of influence, stating that:

output indicators are possible to devise but true outcome indicators, are, as ever, difficult to devise. This is particularly the case for overview and scrutiny committees since, as influencing and not decision-making bodies, measuring 'influence' is highly problematic (Snape, Leach and Copus 2002, p.101).

This 'difficulty' to measure the intangible influence of O&S is also raised when it is proposed that:

The ultimate effectiveness test for scrutiny is whether decisions (or policies or services) which result from its intervention are better than those which would have resulted had that intervention not taken place (and been accepted) (Leach, 2002, p.83).

Local authorities can evaluate their O&S function against recognised good practice. For, example the CfPS has devised a self-evaluation framework (SEF) for O&S practitioners to demonstrate the effectiveness. The SEF is based on the CfPS 4 principles of good scrutiny and suggests performance indicators (see Figure 15). While it is more practical and easier to devise and measure *effective* processes, the extensive work by both Snape, Leach and Copus shows

Figure 15: Performance Indicators for Effective O&S

- 1) Critical friend challenge:
 - a) percentage of items on work programmes taken from the forward plan
 - b) percentage of items on the cabinet agenda amended as a result of scrutiny intervention
- 2) Reflect the voice and concerns of the public and its communities
 - a) the percentage of items on the work programme suggested by the public or in response to issues raised through surveys, comments or complaints
 - b) number of visits to the authority's scrutiny web pages
- 3) Take the lead and own the scrutiny process
 - a) the percentage of meetings attended by members at which they were required
 - b) percentage of members who are enthusiastic about their role in scrutiny
- 4) Making an impact on service delivery
 - a) the percentage of scrutiny recommendations approved by the executive
 - b) the percentage of scrutiny recommendations implemented by the executive.

Source: Adapted from CfPS (2005a).

there are numerous indicators and/or criteria that could be followed, implemented and measured. For example Snape (2002) identifies '14 steps to scrutiny success' (see Figure 16).

Figure 16: 14 Steps to Scrutiny Success

1. Define O&S within the authority
2. Select O&S chairs/vice chairs who will provide effective leadership
3. Members are committed to making O&S work
4. Design a structure which fits the purpose, relates well to the cabinet and officer structure and suits the culture of the authority
5. Develop a member-led, realistic, flexible work programme
6. Move away from traditional service committee processes
7. Prioritise a small number of items to investigate in-depth and effectively project manage
8. Finish investigations on time and produce member-led reports which summarise the evidence the recommendations
9. Ensure adequate officer support
10. Create a separate budget for O&S
11. Develop cross-party working, ensuring that no party group applies the whip to O&S
12. Allocate some chairs and vice chairs to the opposition
13. Provide training and development for Cllrs, officers, and co-optees
14. Continuously monitor and undertake a more comprehensive evaluation at least every two to three years.

Source: Adapted from Snape (2002, p.97).

Other studies describe more specifically the conditions for effective O&S (see Figures 17, 18 and 19).

Figure 17: The Conditions for an Effective Overview and Scrutiny Function (A)

<p>Member leadership and engagement</p> <ul style="list-style-type: none"> • Cllrs drive the process and provide genuine leadership • Members are actively engaged and enthusiastic about O&S • Members have the skills, competencies and knowledge to undertake this work.
<p>Responsive executive or policy committees</p> <ul style="list-style-type: none"> • Executive or policy committees are willing to listen to, and be influenced by O&S
<p>Genuine non-partisan working</p> <ul style="list-style-type: none"> • Cross-party working within O&S committees • There is relaxation of party group discipline
<p>Effective direct Officer support and management of scrutiny processes</p> <ul style="list-style-type: none"> • Officer support is required to manage work programmes, meetings, agenda, minutes etc.
<p>Supportive senior officer culture</p> <ul style="list-style-type: none"> • Vital in terms of the provision of effective direct officer support and general responsiveness of officers in departments.
<p>High level of awareness and understanding of the work of O&S</p> <ul style="list-style-type: none"> • Internal and external individuals and organisations are aware of and understand O&S • Raising the awareness of O&S with partners, the public and the local media.

Source: Adapted from Snape, Leach, and Copus (2002, pp.11-12).

Figure 18: The Conditions for an Effective Overview and Scrutiny Function (B)

<p>The loosening of party discipline</p> <ul style="list-style-type: none"> • No whipping • Non-executives challenge same party executive • Opposition members are non-partisan • Chairs are shared amongst all parties • Non-political process.
<p>Executive responsiveness to the work of scrutiny committees</p> <ul style="list-style-type: none"> • Decision makers must be prepared to be influenced • Recommendations are non-political • The work is of appropriate quality • O&S does not embarrass the executive or policy committee.

Figure 18: The Conditions for an Effective Overview and Scrutiny Function (B)
continued

Genuine analytical capacity for O&S <ul style="list-style-type: none"> • There is capacity for rational analysis • O&S is supported by dedicated Officers • Meetings, information and papers are organised and provided • Unified Officers can support O&S.
Appropriate management of O&S <ul style="list-style-type: none"> • O&S has a management board/committee • O&S identifies its own agenda • Reflect public concern • Danger of too much executive/officer influence • Danger of too much OSMB influence on individual committees • Agendas are manageable • O&S breaks from the traditional service and committee system.

Source: Adapted from Leach (2002, pp.83-89).

Figure 19: The Conditions for an Effective Overview and Scrutiny Function (C).

Attitudinal Conditions
Parties do not use O&S for party political points-scoring.
There are a limited number of high profile politically-divisive initiatives which are not appropriate for an in-depth overview and scrutiny review.
It is recognised that O&S will be influenced by political values and priorities but not overtly.
The executive takes seriously recommendations based on evidence-based policy analysis and justifies the reasons for their response.
Overview and scrutiny is influential because it assembles and interprets evidence in a responsible way.
Overview and scrutiny is properly supported by dedicated and mainstream Officers.
Process Conditions
Call-in is used responsibly, is not be invoked too easily and meets specified criteria.
Call-in is not limited to key decisions.
An Officer adjudicates on whether a call-in meets the criteria.
Executive members attend call-in hearings to justify decisions and answer questions.
A timetable enables O&S Officers to collect evidence for call-ins.
Call-in is facilitated by a setting other than a committee room layout e.g. select committee style.
The Select committee style is used for certain types of review.
Spotlight/light touch reviews are used.
Minority Reports can be submitted.
O&S chairs present their findings to the executive and answer questions.

Figure 19: The Conditions for an Effective Overview and Scrutiny Function (C)
continued

Structures and Support Mechanisms
O&S has the ability and funds to access objective technical information and expert witnesses.
The authority has link officers in their authority to facilitate O&S.
The authority has a scrutiny champion at a senior level.
Chairs of O&S committees/panels are shared amongst all parties with significant representation.
There is an O&S co-ordination committee to counterbalance the executive.
There is a structural separation between the 'scrutiny' and 'overview' roles.

Source: Adapted from Leach (2009, pp.36-37).

In summarising the various frameworks, the requirement for O&S in all authorities is to:

- Define what O&S means to them
- Develop a structure that is designed to reflect their needs
- Have separate overview and scrutiny committees
- Have committed non-executive members to own, lead and manage the O&S function
- Determine their own work programme
- Investigate and make evidence based recommendations
- Use non-traditional committee methods
- Have dedicated officers and the financial resources to undertake investigations
- Have a non-political process
- Encourage participation of opposition members and share chairs/vice chairs
- Responsive executive or policy committees
- Have a fair and open call-in procedure
- Support from the other officers in the authority

- Have a champion for O&S
- Members, officers and co-optees have the training, skills and capacity to undertake investigations and make recommendations
- Raise awareness of O&S with the public and partners
- Continually monitor and evaluate the O&S function.

As the conditions for effective O&S have been highlighted above, it is by no means certain that if they are all present, O&S will be effective (Leach, 2009b). What is perhaps more certain is that if O&S does not determine its own work programme, is not supported by officers and financial resources and no training takes place O&S will not be effective (Snape, 2002). Indeed it has been found that: “Too often scrutiny is hampered in particular by party group dominance, a resistant and suspicious executive, and unsupportive senior officers” (Ashworth and Snape 2004, p.552). As seen below in Figure 20 Stoker, et al, (2004) highlight a number of ‘constraints’ related to the organisational, behavioural and attitudinal conditions for effectiveness O&S.

Figure 20: Organisational/Constitutional, Behavioural and Attitudinal Constraints on Effective Overview and Scrutiny Activity

Organisational /constitutional	<ul style="list-style-type: none"> • Inadequate Officer support to overview and scrutiny • Restrictions on call ins • Restricted agenda • Overloaded agendas.
Behavioural	<ul style="list-style-type: none"> • Cllrs capacity • Poor chairing • Party activity • Officers called not ‘decision makers’.
Attitudinal	<ul style="list-style-type: none"> • Overview and scrutiny not valued by non execs • Overview and scrutiny not valued by execs • Party loyalty.

Source: Adapted from Stoker, et al (2004 p.57).

Therefore, when determining the effectiveness of O&S in the case study authorities, we will consider these conditions and the context in which their O&S functions operate. In addition they will also provide an effective framework upon which to organise the analysis of the data. It has been determined that Leach's (2009) *attitudinal*, *process* and *structure and mechanism* conditions are the most appropriate as they are the most recently developed and encompass the findings of the other researchers described above. **NB** It will be the researcher that determines which aspect of O&S matches the particular condition.

3.8 Conclusion

This chapter has outlined the key issues regarding the O&S, specifically the development of the O&S function, the role of O&S and details the roles of the different actors in O&S and those factors which influence its effectiveness. The next chapter describes the methodological approach to the thesis, the research design, the methods used and evaluates the research process.

Chapter 4 Methodology

4.1 Introduction

The methodology that was followed for this thesis was to provide evidence to fulfil the following aims namely to:

- Compare and analyse the O&S functions of four unitary local authorities
- Assess the impact of New Labour's Local Government Re-organisation Agenda on O&S
- To locate debates on O&S within a wider conceptual understanding of the process of modernisation and the emphasis on 'New Localism'
- Highlight what O&S arrangements were and are in place within the two and one-tier system of local government
- Examine how effective O&S is being ensured within four new Unitary Authorities.

This chapter, therefore, establishes the theoretical approaches of the thesis, specifically the ontological and epistemological theories that determine the reality of the phenomena of O&S and what constitutes valid knowledge of O&S. Furthermore, this determines the research design and the choice of methods. This chapter will therefore outline the qualitative and quantitative methods used in the research, why the case study authorities were chosen, the method of data analysis and an evaluation of the research process.

4.2 Theoretical Approaches

Two accepted theoretical perspectives that influence how social research is undertaken are positivism and interpretivism. These theories have opposing

ontological and epistemological approaches. *Positivists* believe that “the social world exists externally to the researcher, and that it’s properties can be measured directly through observation” (Gray, 2009, p.18). A positivist tests theories regarding the relationships between measurable variables and “collects data on predetermined instruments that yield statistical data” (Creswell, 2003, p.18). An *interpretivist* is concerned with the social and historical meaning of experiences and “collects open-ended, emerging data with the primary intent of developing themes from the data” (Ibid). This research is based on the view that the social world is constructed and that knowledge is relative to the context in which it is found. That the ontology is anti-foundationalist - and the epistemology interpretivist – reflects the rejection within the thesis that O&S function “exists independently of the meaning which actors attach to their action” (Marsh and Furlong, 2002, p.19). My epistemological perspective is interpretive: as an observer I am part of the social world and will therefore be affected by the “social constructions of ‘reality’” (Ibid). Local democracy, local government and the O&S function are social constructs. My aim is to interpret and understand the social and discursive interaction of Cllrs and local government officers. “The purpose of the study is to uncover and describe the participants’ perspectives on events – that is, that the subjective view is what matters” (Marshall and Rossman, 2006, p.102).

4.3 Research Design

The researcher’s epistemological view determines the design of the research “including the kind of evidence that is being gathered, from where, and how it’s going to be interpreted” (Gray, 2009, p.18). This thesis involved empirical

investigation of the phenomenon of O&S in four new unitary authorities in the context of local government modernisation. Three main approaches were considered by the researcher; *experiment*, *case study* and *survey* (see Figure 21).

Figure 21: A Schematic Comparison of Case Study with Experimental and Survey Approaches

Experiment	Case Study	Survey
Investigation of a relatively small number of cases.	Investigation of a relatively small number of cases (sometimes just one).	Investigation of a relatively large number of cases.
Information gathered and analysed about a small number of features of each case.	Information gathered and analysed about a large number of features of each case.	Information gathered and analysed about a small number of features of each case.
Study of cases created in such a way as to control the important variables.	Study of naturally occurring cases; or in 'action research' form, study of cases created by the actions of the researcher but where the primary concern is not controlling the variables to measure their effects.	Study of a sample of naturally occurring cases; selected in such a way as to maximize the sample's representativeness in relation to some larger population.
Quantification of data is a priority.	Quantification of data is not a priority. Indeed, qualitative data may be treated as superior.	Quantification of data is a priority.
The aim is either theoretical inference – the development and testing of theory – or the practical evaluation of an intervention.	The main concern may be the understanding of the case study itself, with no interest in theoretical inference or empirical generalization. However, there also may be attempts at one, or both, of these. Alternatively, the wider relevance of the findings may be conceptualized in terms of the provision of vicarious experience, as a basis for 'naturalistic generalization' or 'transferability'.	The aims is empirical generalization, from a sample to a finite population, though this is sometimes seen as a platform for theoretical inference.

Source: Gomm, Hammersley and Foster, 2000, p.4.

Briefly, *experiment* and *survey* methods quantify data, test theories or empirically generalise findings in relation to only certain aspects of each case and are

therefore quantitative methods. As the epistemological view of this research is qualitative, being concerned with many features and the understanding of each case, the chosen research method was *case study*.

Case study is also appropriate because it “refers to research that investigates a few cases, often just one, in considerable depth” (Gomm, Hammersley and Foster, 2000, p.3) and that it “provides the researcher with a holistic understanding of a problem, issue, or phenomenon within its social context” (Hesse-Biber and Leavy, 2011, p.256). There are a number of possible variations within the case study approach, for example:

- In the number of cases studied, and the role of comparison
- In how detailed the case studies are
- In the size of the case(s) dealt with
- In the extent to which researchers document the *context* of the case, in terms of the wider society and/or historically
- The extent to which they restrict themselves to description and explanation, or engage in evaluation and prescription (Gomm, Hammersley and Foster, 2000, pp.3-4).

Given these variations it is perhaps useful to define case study as a research method (see figure 22).

Figure 22: Definition of Case Study as a Research Method

Case study is an empirical inquiry that:

- Investigates a contemporary phenomenon in depth and within its real-life context, especially when
- The boundaries between phenomenon and context are clearly not evident
- Copes with the technically distinctive situation in which there will be many more variables of interest than data points, and as one result
- Relies on multiple sources of evidence, with data needing to converge in a triangulation fashion, and as another result
- Benefits from the prior development of theoretical propositions to guide data collection and analysis.

Source: Adapted from Yin (2009, p.18).

As can be seen from Yin's definition "a major strength of case study data collection is the opportunity to use many different sources of evidence" (Yin, 2009, p.114). According to Burgess (1993) a case study should include in-depth structured or semi structured interviews and analysis of documentary evidence allowing the researcher to "get close to the data" (Burgess, 1993, p.4) Other examples are:

- Documents
- Archival records
- Open-ended or structured interviews
- Observations
- Surveys
- Focus groups.

4.4 Sources and Methods of Data Collection

The sources and methods of data collection in this research include:

- Semi-structured interviews with local authority council members and officers
- Participant/practitioner observations within Authority B
- Survey data regarding structure and resourcing of O&S
- Documentary evidence e.g. council constitutions, unitary bids, O&S work programmes.

4.4.1 Qualitative Methods

As noted above the main method of gathering data was *semi-structured interviews*, which are “appropriate when seeking to understand people’s motives and interpretations” (Devine, 2002, p.201). They allow for a more in-depth understanding of the experiences of those involved in O&S as “qualitative researchers study things in their natural settings, attempting to make sense of, or to interpret, phenomena in terms of meanings we bring to them” (Denzin and Lincoln, 2000, p.3 in della Porta and Keating, 2008, p.28). Therefore as this approach is interpretivist we are interested in the narrative account of the subjects, of their experiences and how their actions and beliefs shape their understanding of O&S, within the context of the authorities within which they work (Robson, 2002).

The semi-structured interviews had a guide of prepared questions (see Appendix A,B,C,D,E and F) that can be, changed, modified or omitted depending upon the “interviewer’s perception of what seems most appropriate” (Robson, 2002, p.270) and “allows for probing of views and opinions where it is desirable for respondents to expand on their answers” (Gray, 2009, p.373).

Another technique was *participant observation*, as I was experiencing the phenomenon of O&S (Ritchie and Lewis, 2003) whilst undertaking research work for one of the case study authorities. “Immersion in the setting permits the researcher to hear, to see and to begin to experience reality as the participants do” (Marshall and Rossman, 2006, p.100) offering the researcher “the opportunity to gain additional insights through experiencing the phenomena for themselves” (Ritchie, 2003 in Ritchie and Lewis, 2003, p.35). Indeed it is said that: “All social researchers are participant observers” (Hammersley and Atkins, 1995, p.1).

By choosing participant observer as a technique I have also considered the concept of ‘insider’ or ‘fractioned researcher’ (Robson, 2002). As I was not an employee of a local authority and had no experience of O&S in local government prior to this research, I could not be regarded as a *practitioner researcher*. However, during the course of the PhD Studentship I undertook separate work for one of the case study authorities within the area of O&S, as well as my own research. As I gained experience of the role of a O&S officer - and as my work and research informed and influenced each other – it could be suggested that I was part practitioner researcher.

Subsequently, data was gathered from the observations of those involved in O&S in authority B only. These subjects included:

- Council members of the new and former authorities

- Local government officers of the new and former authorities
- Partners of the authorities
- Voluntary and community groups who engage in scrutiny.

It was decided that I would not make arrangements to attend O&S meetings at case study authorities A,C and D as I would have only been able to gain a brief 'snap shot' of the O&S functions at these authorities and would not have been able to make comparisons between the authorities with validity and reliability. The researcher would rely on the interviews for this.

Documentary evidence was gathered in the form of council constitutions, unitary bids, O&S work programmes, which gave detail of the process and practices that have been designed and/or implemented to support the O&S function. The advantages of using documents are that they are 'stable' and 'unobtrusive', in that they can be used on numerous occasions as they are not a product of the case study (Yin, 2009). Furthermore, such documents as these, are used to "corroborate and augment evidence from other sources (Ibid, p.103).

4.4.2 Quantitative methods

The quantitative method used in the case study was a *survey* of the four O&S Managers. A 'standardized' and 'reliable' questionnaire was used to "ascertain the 'facts'" of the case study authorities' O&S function (Silverman, 2005, p.8). It was issued to and completed by the O&S Managers via email and used to gather contextual data regarding the structure, staffing and resources of the O&S

functions in the case study authorities (see Appendix G). This informed the selection of the broad themes for investigation in the semi-structured interviews and was used as part of the comparison and contrasting of the O&S functions in the data analysis.

4.5 Data Analysis - Grounded Theory

Phenomenological research can produce “‘thick descriptions’ of people’s experiences or perspectives with their natural settings” (Gray, 2009, p.28). Therefore this research has used *Grounded Theory* to analyse the data as it is “an approach that does not necessarily involve statistical analysis, quantitative data or the quest for representative samples” and is appropriate for:

- Qualitative research
- Exploratory research
- Studies of human interaction
- Small-scale research (Denscombe, 2010, p.106).

Significantly, unlike positivist deductive methods, there is no prior theory to test. The research is undertaken with an open mind with only a “general question or problem in mind”. The research was conducted “without any preconceived theory... concepts and hypotheses” (Glaser and Strauss, 1967, p.33). However, the researcher does not have a ‘blank mind’ rather they are “informed about an area..., but does not approach the analysis of data using preordained ways of seeing things” (Denscombe, 2010, p.108). My prior knowledge and experience of O&S was negligible prior to the commencement of the PhD. My “starting point

from which to launch the investigation” (ibid, p.111) was the research I was conducting for one of the case study authorities and the literature review. For example, the research undertaken by Leach (2009) on the O&S function, which established three types of conditions for effective scrutiny (see chapter 3) i.e. attitudinal, process and structures and support mechanisms (Leach, 2009, pp.36-37). These conditions were used as an analytical framework to guide the analysis of the data (see chapters 5 through to 10).

Any theories that are formulated are grounded in empirical research and emerge from continuous analysis of the data (Denscombe, 2010). This constant comparative analysis is argued to be the appropriate because “the “best” interpretation [is selected] by a process of gradual comparison” (Bevir and Rhodes, 2002, p. 142). Indeed, it is argued that:

“Comparison in its broadest sense is the process of discovering similarities and differences among phenomena. Rather than being a second-order activity tacked onto more basic cognitive processes, comparison is central to the very acts of knowing and perceiving” (Warwick and Osherson, 1973, p.7).

Tesch (1990) adopts this view when she calls comparison the main intellectual activity that underlies all analysis in grounded theory:

“The main intellectual tool is comparison. The method of comparing and contrasting is used for practically all intellectual tasks during analysis: forming categories, establishing the boundaries of the categories, assigning the segments to categories, summarizing the content of each category, finding negative evidence, etc. The goal is to discern conceptual similarities, to refine the discriminative power of categories, and to discover patterns” (Tesch, 1990,p.96 in (Boeije, 2002, pp392-393).

The qualitative analysis of the data “encompasses data organization, theme development and interpretation” (Marshall and Rossman, 2006, p.152). Therefore

codes are used to identify concepts and themes within the data that could be categorised to enable comparisons and connections between the case study authorities' O&S functions (Creswell, 1998). Comparisons can be made:

- Within a single interview
- Between interviews within the same group
- Between different groups
- In pairs at the level of the couple
- Comparing couples (Boeije, 2002, p395).

Grounded theory uses *open*, *axial* and *selective coding*. Firstly, *open coding* is a broad description of the different elements of the data. Secondly, *axial coding* makes “links and associations” between these elements and identifies those which are key. Finally, *selective coding* focuses on those core codes which are the basis of concepts “that encapsulate the way that categories relate to each other in a single notion. These concepts then form the cornerstone for the generation of theories...” (Denscombe, 2010, p.115).

As grounded theory is non-scientific, i.e. there is no statistical analysis of the data, the aim of this research is to understand and explain effective O&S within the case study authorities. Although this does not provide statistical generalisation the process of “breaking down, examining, comparing, conceptualising, and categorising data” (Strauss and Corbin, 1990, p.61) allows for *naturalistic generalization* (Stake, 1995 in Creswell, 1998, pp.153-154). It is argued that this *naturalistic generalizability* is not limited to the case study authorities and “does

not preclude some kind of generalizability beyond the specific setting studied” (Robson, 2002, p.177). Rather case studies, allow for analytical generalisation:

“the data gathered from a particular study provide theoretical insights which possess a sufficient degree of generality or universality to allow their projection to other contexts of situations” (Sim, 1998, p.350).

With regard to this, research links will be established between local authorities, but it may also allow linkages to the wider research questions pertaining to New Labour’s local government modernisation agenda.

4.6 The Reliability of the Findings

Qualitative methods such as semi structured interviews produce ‘rich’ data which the analysis of allows findings to “develop gradually from the grounded evidence and emerging themes” (Bryman, 2004, p.287). However, the reliability of the findings is determined by the validity of the data and the methods used. For example, semi-structured interviews, based on the key issues of the research, allows for flexible questioning in comparison to surveys, however “this may reduce the comparability of interviews within the study, but provides a moreover valid explication of the informant’s perception of reality” (Minichello, et al, 1995, p.65). Furthermore, a valid *description* of “what you have seen and heard lies in the inaccuracy and incompleteness of the data” (Robson, 2002, p.171). By using more than one method of gathering data it was hoped that accurate finding would be produced.

The validity of the findings is also related to the *interpretation* of the data and that as a researcher must be able to show the “route by which you came to your

interpretation...you are continuously and assiduously charting and justifying the steps through which your interpretations were made” (Mason, 1996, p.150 cited in Robson, 2002, p.171). However the “main threat” to validity is the choice of *theory*, i.e. “not considering alternative explanations or understandings of the phenomena you are studying” (Robson, 2002, p.172). In addition the validity of the data can be effected by:

- The way in which the respondents react to the researcher, e.g. by affecting the respondents’ behaviour
- The bias of respondents, e.g. by giving incorrect information
- The bias of the researcher and “their personal feelings and preconceptions” (Ibid).

With regard to this research all participants were made aware of my role as a research student and that I was participating in the work of O&S with another local authority. I think that this gained the trust of the participants in that they knew I had a practical understanding of O&S and of local authorities that were going through the period of transition to unitary authorities.

A disadvantage of qualitative interviews is that they are time consuming, require transcription of audio recording (if applicable) and interview notes (Bell, 1999) thus potentially leading to errors in transcription. Fortunately for this research the semi-structured interviews were audio-taped and fully transcribed, interview notes were made and I was “aware of possible observer bias (McCall and Simmons, 1969).

Another feature of case study research is that data triangulation or “multiple sources of evidence essentially provide multiple measures of the same phenomenon” (Yin, 2009, pp.116-117) and thus assist in establishing reliable and valid data. In this case study, semi-structured interviews, participant observation, a survey and documentary analysis were used.

4.7 Choice of Case Studies Authorities

The criteria for the selection of case study authorities were:

- 1) They had to be new unitary authorities, which were formerly two tier district and county council authorities
- 2) They had similar socio-economic characteristics
- 3) They varied in political party leadership.

The first criteria was necessary as the thesis is concerned with what measures new unitary authorities have undertaken to ensure effective O&S. The second allows for comparisons to be made between similar kinds of authorities. The third recognises the significance of political leadership being that political parties have an influence on the O&S function (Leach and Copus, 2004). Sampling usually is concerned balancing depth and width (Flick, 2006), however as the choice of new unitary authorities was limited to just seven (this being the number that were created in 2009) there were few to choose from.

Given the need for anonymity and confidentiality the background to the authorities does not identify which region of England they are situated and the composition of

political parties within each authority as this would make them easily identifiable (this will be discussed further in section 4.8).

The four authorities are as follows:

4.7.1 Background to Authority A

The Local Context

Authority A covers an area of 356,200 sq km (ONS, 2007) and has a population of 529,500 (ONS, 2009), which is spread across the county with only eight towns in excess of 10,000 residents. The county, while enjoying areas of affluence, suffers from economic and social deprivation. For example of the 149 county and unitary councils in England it is in the most deprived 25% for employment and income deprivation, also over 40% of the county's lower super output areas (LSOA) are in the most deprived 10% in England for barriers to housing and services (GOSW, 2008). Tourism and fishing are the major industries and the county council is the largest single public sector employer. Other employment is via small businesses and self employment with much of it "being temporary, low-paid, part-time and seasonal" (Audit Commission, 2002).

Local Government; Pre and Post Reorganisation

Since the Local Government Act (1972) the area had a two-tier system of a county and six district councils. As a result of the Local Government Act (2000) the county council adopted the leader and cabinet model for its executive comprising the leader, deputy leader and nine portfolio-holders. Four of the districts also chose the leader and executive model and the remaining two were 4th option councils.

The White Paper *Strong and Prosperous Communities* (DCLG, 2006) invited authorities to bid for unitary status fulfilling New Labour's desire to establish unitary authorities in the English shire counties. In 2008 the county council successfully bid to create a single unitary body based on the boundaries of the county council, which came into existence in April 2009.

Political Representation

Under the two-tier system one party controlled the county council and one district council. The other districts were no overall control (NOC) with strong representation of independent Cllrs (LGA, 2008). At the time the unitary surveys showed that the public were neither for nor against the authority, but disapproving of the county and district councils. Prior to the local elections in May 2009 the incumbent party held 36 out of 79 seats on the county council. However the elections for the unitary council saw a significant change in the political representation. The incumbent party suffered due to mistakes they made in the unitary process and national issues such as MPs expenses and as a result lost control of the authority to a minority administration. Another party gained 49 of the 123 seats and formed a coalition.

4.7.2 Background to Authority B

The Local Context

Authority B covers 222,600 sq km (ONS 2007) and has a population of 504,900 (ONS 2009) of which 80 per cent live in 12 major towns. The remaining 20 per cent live in the rural areas which geographically account for 80 per cent of the county. It has a legacy of heavy industry such as coal mining, steel manufacturing

and the railways, however this legacy has also resulted in economic and social deprivation. For example, 45% of the super output areas (SOA) in the county are in the 25% most deprived in England and 10 of the 20 worst wards in England for health outcomes are in the east of the county. Manufacturing and the public sector are major employers and tourism is also important as the county includes a world heritage site and areas of outstanding natural beauty (Audit Commission 2008).

Local Government; Pre and Post Reorganisation

Since the Local Government Act (1972) the area had a two-tier system of a county and seven district councils. As a result of the Local Government Act (2000) the county council adopted the leader and cabinet model for its executive comprising the leader, deputy and eight portfolio-holders. Five of the district councils also chose the leader and executive model and the remaining two were 4th option councils. The White Paper *Strong and Prosperous Communities* (DCLG, 2006) invited authorities to bid for unitary status fulfilling New Labour's desire to establish unitary authorities in the English shire counties. In 2008 the county council successfully bid to create a single unitary body based on the county council, which came into existence in April 2009. Six of the districts had proposed a slower move to two or three unitary councils by 2012.

Political Representation

Under the two-tier system the county council and four of the seven district councils were controlled by one party (LGA 2008). The elections for the unitary council saw a significant change in the political representation within the county. Whether it was a result of national politics, opposition to the unitary council or electors having

the opportunity to elect two Cllrs per ward, independents and opposition parties made significant gains. The incumbent party remained in control and continued with all seats on the cabinet; however its majority was cut to only eight seats. Given that the cabinet is comprised entirely of the majority party members then it means the opposition outnumber the controlling party in-terms of non-executive members. However, the opposition do not lead or dominate the O&S function.

4.7.3 Background to Authority C

The local context

Authority C covers an area of 501,300 sq km (ONS 2007) and has a population of 310,600 (ONS 2009). The majority of the county is rural towns and villages, however over 50% of the population live in the more urban corner of the county, which accounts for less than 5% of the land area and 25% of the most deprived neighbourhoods in England. The economy was based on coal mining, but now over one third of jobs are in the public sector and increasingly in tourism; as it has areas of outstanding natural beauty and a world heritage site (Audit Commission 2008).

Local Government; Pre and Post Reorganisation

Since the Local Government Act (1972) the area had a two-tier system of a county and six district councils. As a result of the Local Government Act (2000) the county council adopted the leader and cabinet model for its executive comprising the leader, deputy leader and eight portfolio-holders. Three of the districts also chose

the leader and executive model and the remaining three were 4th option councils. The White Paper *Strong and Prosperous Communities* (DCLG, 2006) invited authorities to bid for unitary status fulfilling New Labour's desire to establish unitary authorities in the English shire counties. In 2008 the county council successfully bid to create a single unitary body based on the county council, which came into existence in April 2009.

Political Representation

Under the two-tier system, prior to the local elections in May 2008, the county council and two of the six district councils were controlled by one party, three were NOC and one another (LGA 2008). The incumbent party held 35 out of 67 seats on the county council, however the elections for the unitary council saw a significant change in political representation with incumbent party retaining only 17 seats and losing control of the council to a minority administration, who form all the cabinet.

4.7.4 Background to Authority D

The local context

The county covers an area of 325,500 sq km (ONS 2007) and has a population of 452,600 (ONS 2009). The county consists of 20 local communities centred around rural towns and villages. Employment is high and deprivation is low. The public and private sectors are all major employers in the county, which has large areas of outstanding natural beauty and two world heritage sites (Audit Commission 2004).

Local Government; Pre and Post Reorganisation

Since the Local Government Act (1972) the area had a two-tier system of a county and four district Councils. As a result of the Local Government Act (2000) the county council adopted the leader and cabinet model for its executive comprising the leader, deputy and eight portfolio-holders. Two of the districts also chose the leader and executive model and the remaining two were 4th option councils. The White Paper *Strong and Prosperous Communities* (DCLG, 2006) invited authorities to bid for unitary status fulfilling New Labour's desire to establish unitary authorities in the English shire counties. In 2008 the county council successfully bid to create a single unitary body based on the county council, which came into existence in April 2009.

Political Representation

Under the two-tier system, prior to the local elections in May 2009, the county council and 3 of the district councils controlled by one party and 1 was NOC (LGA 2008). The incumbent party held 28 out of 49 seats on the county council and at the elections for the unitary council gained 62 of the 98 available seats and retained control of the council. The cabinet are all from the same controlling party.

4.8 The Interview Participants

The case study used purposive sampling to select those who were of specific interest to the research (Robson, 2002). Whilst all those interviewed were happy to be quoted, the university's ethics policy was followed and the participants gave their informed consent and were assured that the information they shared would

be anonymous and confidential (ESRC, 2005). According to Babbie anonymity can only be achieved when “neither the researchers nor the readers of the findings can identify a given response with a given respondent” (Babbie, 2010, p.67). Given the small number of authorities that met the sample criteria (see section 4.5) the anonymity of the authorities may be difficult to achieve, especially as the sole researcher can identify the respondents comments. However, confidentiality was assured as the identity of the participants and their responses are not made public (Ibid). Therefore the description of the participants has been formulated as not to identify them (see p.111). Indeed, to eschew identification in any future publication, the descriptions of those interviewed could further be reduced to a minimum e.g. a local politician or local government officer. This was also to maximise the participation of the respondents and so they could respond uninhibited by such concerns as party political loyalty.

In each case a representative of the authorities' political leadership, i.e. an elected Cllr who is part of the executive was interviewed (with the exception of Authority B). Also a representative of the senior management was interviewed, e.g. a director or chief executive. These participants were able to share their views and experiences of the development and effectiveness from the perspective of the executive side of the authority, i.e. those Cllrs and officers who being held to account by O&S, but who also determine the resources allocated to O&S. Conversely O&S leadership and O&S describes those senior Cllrs and officers who organise, maintain and direct the O&S function. In addition district and county council members from each authority area were interviewed for their perspective

on O&S as it operated under the two-tier system. These participants can also be described as 'elites' as they are "considered to be influential, prominent, and/or well informed in an organization or community" (Marshall and Rossman, 2006, p.105) and specifically to the development, organisation, resourcing and day to day operation of the O&S function. While they are sometimes difficult to access, they can "report on an organization's policies, histories and plans" (Ibid) and, as is the focus of this thesis, have influence on the effectiveness of O&S.

The district and county council members in the area of Authority B were interviewed face to face for an evaluation of O&S in their authorities between 28/01/08 and 22/02/08. Given the depth of the evaluation of O&S and that it had addressed the future of O&S in the unitary authority it was determined that a repetition of interviews would not be advantageous or necessary. Indeed, they could be seen as a pilot study for the case study. The district and county council members in the areas of authorities A, C and D had represented their authorities on the O&S committees established to oversee the transition to unitary authorities. One Cllr was interviewed for each authority, where practicable, and represented different political parties or were independent Cllrs. They were contacted directly by telephone and the interviews were conducted over the telephone and recorded on audiotape with the permission of the participants. These interviews were conducted between 03/04/09 and 28/04/09. The interviews with the leadership, chief officers, O&S leadership and O&S management were arranged with the help of the O&S Managers and conducted face to face between 16/09/09 and 09/10/09. The following is a list of those interviewed:

Authority A

- 6 Cllrs who participated in the joint OSC of the Implementation Executive from 5 district councils and the county council
- Authority A Leadership
- Authority A Chief Officer
- Authority A O&S Leadership
- Authority A O&S Management

Authority B

- 8 Chairs of O&S from the 7 district councils and the county council who were interviewed for the evaluation of O&S
- Authority B Chief Officer
- Authority B O&S Leadership
- Authority B O&S Management

Authority C

- 6 Cllrs who participated in the joint OSC of the Implementation Executive from 5 district councils and the county council
- Authority C Leadership
- Authority C Chief Officer
- Authority C O&S Leadership
- Authority C O&S Management

Authority D

- 5 Cllrs who participated in the joint OSC of the Implementation Executive from 4 district councils and the county council
- Authority D Leadership
- Authority D Chief Officer
- Authority D O&S Leadership
- Authority D O&S Management.

4.9 Evaluation of the Research Process

A number of issues arise when reflecting upon the research process:

- The experience of the researcher in relation to O&S and local government was very limited prior to commencing the studentship; however the studentship with

one of the case study authorities gave an opportunity to gain practical experience of O&S function and local government by working with members and officers. The research work undertaken for the authority covered the full remit of the O&S function from supporting committee meetings, participating in evidence gathering and evaluating the O&S function in the authority area. This not only allowed a grounded understanding of O&S, but added to the confidence that the participants had in the researcher and the research process.

- Given the depth of participation in O&S at Authority B, which hosted the studentship, it raised the question of using observational methods with the other case study authorities. However, as noted above, it was decided that to attempt such observation in the other authorities would only result in a 'snapshot' of O&S activity and therefore not be comparable. However this does raise the question of was Authority B a good mentor for understanding O&S?
- Undertaking original research for Authority B greatly assisted in developing that practical knowledge of O&S and in most instances complemented the research for the case study. Indeed, part of the work for Authority B was to undertake an evaluation of O&S in the whole authority area using the CfPS SEF. This raised the question as to whether it could be used for the case study, however this was determined not to be appropriate on the grounds of time and resources needed to complete such an evaluation. Also that more importantly the aim of the thesis was to determine what measures unitary authorities had undertaken themselves to ensure an effective O&S function and therefore the SEF was one of the possible means by which they may have achieved this.

- The timing of the interviews with the district and county council members could have been undertaken earlier. These respondents were contacted within weeks of them effectively losing their jobs as Cllrs, as for the majority of them, their councils were being abolished. Fortunately as with all of the respondents they were very willing to share their experiences of O&S.
- Due to inexperience on behalf of the researcher, the telephone interviews were somewhat experimental in sense of recording the conversation using analogue audio tapes as opposed to digital recordings. Despite this, the recordings were of sufficient quality to capture the views of the respondents.
- Individual interviews were preferred as opposed to focus groups. Focus groups could have allowed more members to participate especially from opposition and parties and independents however there would have been a danger of time limited discussions becoming partisan in nature (of course this would be against the spirit of O&S). Also the logistics of arranging and conducting focus groups would have been difficult for a researcher inexperienced in this method of data collection.
- Given that the research was looking to give “a description of circumstances at the time of the research” (Flick, p.139) an alternative approach could have been that of ‘snapshot’ as it would also allow for a comparison of the O&S functions of the case study authorities. However as ‘snapshots’ primarily aim to describe the phenomenon at the time of the research they are not concerned with the “retrospective reconstruction of the process” (Ibid) which this research is as the data would be used to compare the development of O&S in the case study authorities before and after the unitary authorities came into being.

- Finally, numerous questions were included in the interview guides covering the wide range of categories raised by the literature review and by the experience of the studentship with Authority B. However during the course of the interviews most were used as prompts to what were in-depth conversations although the length of the interviews varied from 20 minutes to over an hour; averaging about 40 minutes.

4.10 Conclusion

This chapter has established the theoretical approaches of the thesis, outlined the qualitative and quantitative methods used in the research, why the case study authorities were chosen, the method of data analysis and an evaluation of the research process. The following four chapters place the case study authorities in to context and analyse the data gathered from each authority.

Chapter 5 Local Authority A

5.1 Introduction

This chapter firstly, through analysis of the data from the semi-structured interviews held with the members from the former county and district councils and of relevant documents, will outline O&S prior to reorganisation. Secondly, through analysis of the data from the semi-structured interviews held with members and officers from the unitary council, it will then describe O&S after reorganisation. The analysis is presented thematically in a framework based on Leach's (2009) three conditions for effective O&S namely, *attitudinal*, *process* and *structure and mechanism* conditions. Finally, it will highlight key findings to be compared and contrasted with the other case study authorities in a later chapter and relative conclusions will be drawn.

5.2 Pre Reorganisation Approach to Overview and Scrutiny

NB For this section former district and county councillors will be referred to as member(s).

5.2.1 Attitudinal Conditions

Understanding the Role of Overview and Scrutiny

As members described this county as having a significant number of independent Cllrs and a culture of political independence from central party control, which is characteristic of the way all councils were prior to the increasing politicisation of local government particularly in the 1970's (Gyford, et al, 1989). As one member stated they viewed their council as the collective total of all members who were entitled to participate in the various committees, determining policy and making

decisions by consensus. Therefore when O&S was introduced they did not see it as a significant change to their role as members, but rather

“as a continuing iterative process.”

The member from the former county council considered O&S as part of the process of being a good Cllr from the first day they were elected. Indeed, they regarded the creation of the executive and non-executive functions as “self-conscious” and “clumsy” reflecting their view that O&S was an afterthought of the Local Government Act (2000). However despite the uncertainty concerning the origins of O&S the collective opinion of those interviewed as to the role of O&S is as follows:

- To provide critical friend challenge
- To improve public services
- To voice the concerns of the public
- To own the scrutiny function
- To consider upcoming decisions.

Conversely the collective opinion of the members was the role of O&S is not:

- To be an opposition to the executive
- To 'second guess' the executive
- To constantly call-in executive decisions
- An opposition process involving lots of challenge and criticism.

Relationship with the Executive or Policy Committees

The relationship between the executive members (or policy committees) and O&S has evolved since the introduction of O&S. A member stated the creation of the executive had split the executive away from OSC and had fragmented the

“essential informal discourse which is what takes the business of councils forward”.

Furthermore they argued that through their own previous experience as an executive member they considered that O&S would be a good arena for portfolio-holders to have discourse with non-executive members on a range of issues away from the council chamber and political party rooms. In practice, on the other hand, the experience of members was that the relationship was reliant on the attitude of individuals to O&S rather than anything systemic. For example, one district member said during the tenure of three different leaders of the council their attitude towards O&S began as hostile, then became more relaxed and then became more open to O&S. Another stated that executive members only infrequently attended O&S meetings and recommendations made by O&S have not only been rejected by the executive, but have been rejected very harshly:

“with animosity to the point where relationships with various individuals fell apart”.

In contrast on occasions some more “diligent” executive members used “their own initiative” and attended O&S meetings and have accepted recommendations that have improved the executive’s decision. This has been attributed to the portfolio-holder being:

“an eminently reasonable and rational man who was capable... in engaging in a discussion in which criticism of the decision was not taken personally”.

Another district Cllr said that their well developed relationship with the executive meant they were able to ask questions at the monthly cabinet meetings and have adopted select committee style O&S to look at individual portfolio holder's performance, policy outcomes, executive decision's and the overall budget, therefore demonstrating an ongoing and effective challenge to the executive.

Member Involvement in Overview and Scrutiny

The member from the former county council explained that members lamented the passing of the old committee system when they were able to vote and make decisions. However despite a substantial proportion of the elected members no longer having a direct engagement with decision making process they did not participate in O&S. Indeed, they were frustrated with the new political structures and thought O&S was "pointless". Therefore the number of members involved in O&S varied across the authority area leaving the "usual few" to participate in it fully. Another member acknowledged that some have been reluctant to be involved with O&S, but argued that an effective O&S can influence decision-makers. They explained that:

"once they get into it and realise the power of scrutiny and how you can make it work with the executive to make the right decision, but you've got to have the resolve to keep going. I've always had the resolve to do scrutiny, but do it properly."

Officer and Financial Resources

In most authorities the officers supporting the O&S function were provided by democratic services or its equivalent and, at the minimum level, carried out clerking duties and/or research and advice for members. Only three of the

authorities had officers dedicated to O&S and one of those was described as “only being on paper” as they had other responsibilities away from O&S. The members indicated that officer support from other services within their authority, in terms of providing information and evidence, varied depending upon the topic under investigation and the support of directors for the O&S function. In addition only two of the authorities had a dedicated budget for undertaking O&S investigations.

Non-political Overview and Scrutiny

There was consensus amongst those interviewed that O&S should be non-political and to that extent the members experiences were that politics, whilst having an influence on members views, did not overtly affect O&S. This has been achieved through the chairs of O&S re-enforcing this position. As one explained:

“In my committee... it’s been non-political because I refused as an independent councillor to allow politics to get in the way... that has always been my resolve and it remains so”.

In their experience politics was:

“left behind the other side of the door when the committees met...one or two try it on, but I’m sorry I don’t want to listen to that. We’re here for the good of the community so let’s forget it”.

Furthermore the member from the former county council held the view that party politics needs to be removed from local government altogether as a culture of “tribes” and “ruler and opposer” has developed. In their opinion councils’ decisions should all be based on a consensus of opinion and support, which is reflective of NOC councils and, of course, O&S.

Effectiveness of Overview and Scrutiny

“If scrutiny made a difference they wouldn’t let you do it.”

That was the rather cynical view of O&S from one district member. In fact, that member described their experience of O&S as:

“very disillusioning. I don’t think we did it very well at all. The purpose of it was for everybody just to show up and congratulate the officers on how they met these performance indicators.”

In contrast the experience of one member was that O&S within their authority has produced:

“extremely valuable work on policy development”.

However as to whether this has been effective depended upon what criteria you used to measure effectiveness. One member doubted that the public would regard O&S as being value for money for the tax payer although they also thought that the average elector was unaware of the O&S process and therefore would not know if it was value for money or not. The members were in agreement that effective O&S:

- Responds to questions the public raise
- Is dependent upon the calibre and capacity of the members
- Is non-political
- Is not unduly influenced by the executive members and officers
- Has dedicated officer support.

5.2.2 Process Conditions

Call-in

Arguably the most public mechanism for holding the executive to account which ‘tests’ the relationship between the parties is call-in. The ability of O&S to call-in

the decision of the executive was used infrequently in the former districts and county council. There were varying views as to what extent members understood the 'power' of call-in. It had never been used in one authority prior to one member's involvement in O&S and they had only experienced two during their time in O&S. Their experience was that members had not:

"understood what their powers were and how they could use them effectively".

However in another district the 'power' of call-in was understood, but restrictions were placed on its use. The member explained the reason for this:

"The power of call-in was fairly restricted because we didn't want it being a boil under the saddle of the council".

Indeed this desire to avoid making call-in a means to create conflict in a council is perhaps understandable when contrasted with the experience of the member from the former county council. They said that the calling-in of executive decisions were viewed by the portfolio-holders as a personal affront:

"attacking his masculinity and his leadership of the tribe".

Public Involvement in Overview and Scrutiny

The general opinion of members was that the public has little understanding of how councils work and even less knowledge of O&S. In addition some members and officers are either unable or reluctant to engage with O&S and/or the public. Therefore all parties need more information on and a greater understanding of how the public can participate in O&S. One more pessimistic member's view on public engagement with O&S was that:

“I think the public don’t expect to be engaged with that and they don’t want to be engaged with it.”

However other members found that the public were active in O&S when the issue was of great interest and concern such as hospital provision, dog fouling or waste collection. One member saw the creation of the community networks by the unitary authority as an opportunity for O&S to engage with the public through them. With the appropriate communication and co-operation O&S should be able to take note of the issues raised by these networks. They said:

“The local community needs ... to be embedded into scrutiny so that scrutiny can make sure that (the community’s) need is being met and their (O&S) recommendations attempt to do that.”

In addition one member highlighted the national political situation regarding MP’s expenses as an opportunity to raise the profile of O&S as the term ‘scrutiny’ had never had so much publicity.

5.2.3 Structure and Mechanism Conditions

The Development and Structure of Overview and Scrutiny

As noted above following the Local Government Act (2000) in this county five of the seven authorities adopted the leader and cabinet model of the new political structures and the remaining two chose the 4th option. The structure of O&S has continually evolved in the individual authorities as each authority has developed the structure of its OSCs, membership, officer support, meeting times etc depending upon their authority’s and members’ particular needs (see Diagram 1 for examples of OSC structures from Authority A). For example:

- Of the larger district authorities one had an over-arching O&S management board to develop and champion the O&S function within the council

- One had as many as five specific O&S committees related to service departments
- Another had aligned their O&S committees with the local area agreement themes
- The two 4th option authorities had just one permanent committee each
- All used time bound task and finish groups to conduct in-depth or light touch reviews on specific topics
- Another had reduced the number of committees to best utilise officer support during the final year of O&S in their district
- None of the authorities had divided their O&S function into separate scrutiny and overview committees.

Significantly the former county council (with the exception of the joint county and district health OSC) called the O&S committees 'policy development and scrutiny' clearly stating their interpretation of the term 'overview' and emphasising the value the leadership placed on the role of O&S in policy development.

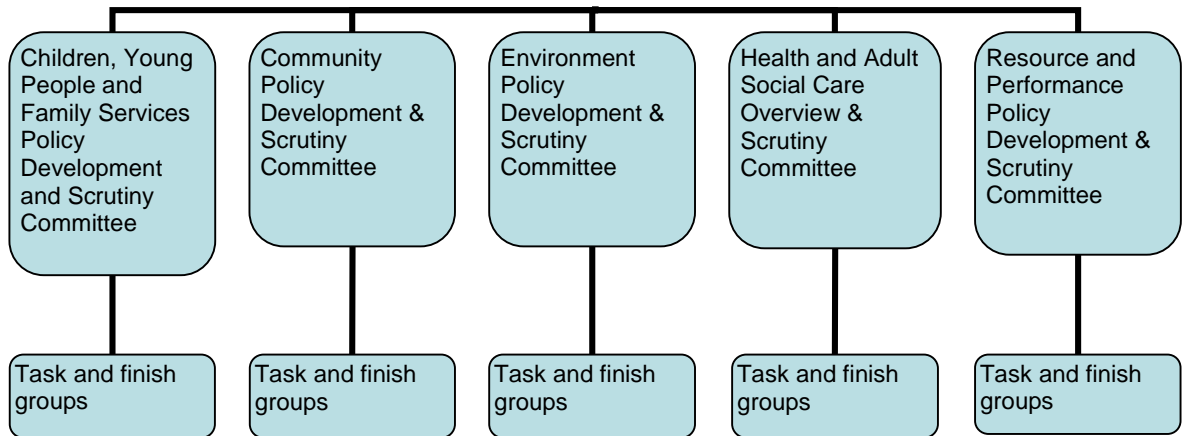
Allocation of Chairs and Vice Chairs

It is argued that the allocation of chairs and vice chairs of OSC is important to the independence of O&S from the influence of the executive or policy committee. As the member from the former county council stated the allocation of members to OSC based on the proportions of the political parties results in, unless the controlling group is very enlightened, with them being:

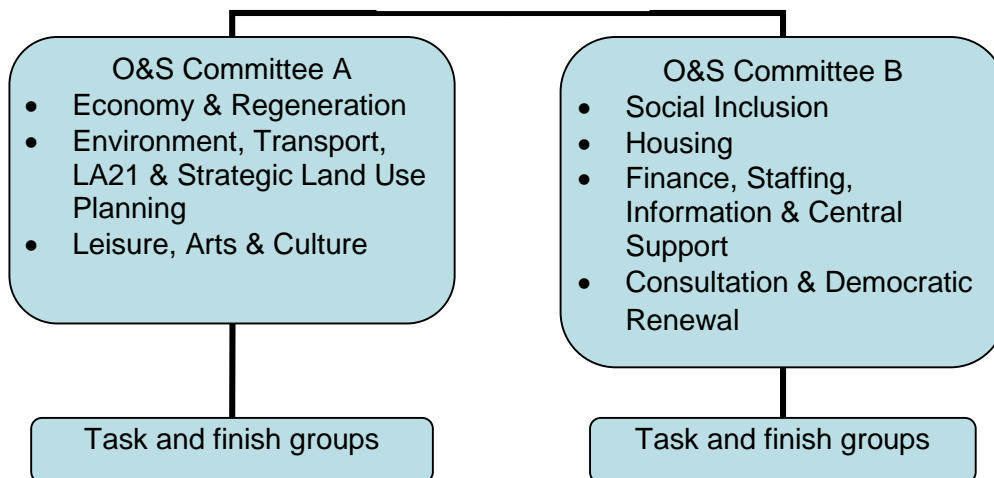
"loaded with political cronies of the portfolio-holder".

Diagram 1: Examples of O&S Structures from Authority A Prior to Unitary Status

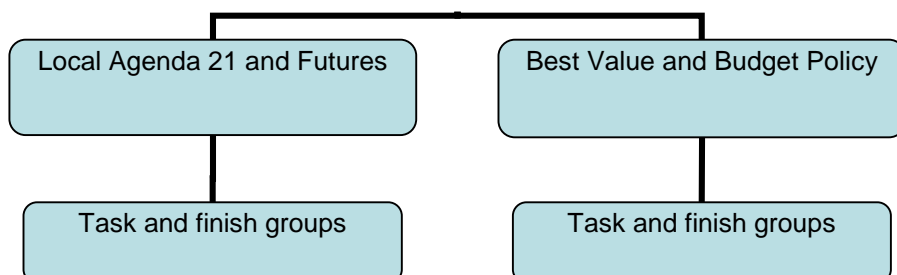
The Former County Council



A Former District Council



4th Option



Also if the controlling group takes all the O&S chairs and vice chairs it corrupts the “spirit” of the process.

The actual policy on the allocation of chair and vice chairs varied across the authorities depending upon the party in control, the size of the authority or the willingness of the opposition to take up the offer. For example:

- In a Liberal Democrat and Independent controlled authority the cabinet was drawn from the coalition, however the chairs and vice chairs of O&S were drawn from all parties
- In another the majority group or ruling coalition provided most of the chairs other than the overarching O&S chair
- In another the opposition party was offered vice chair positions, but it was agreed not to take them.

The Preparation of Overview and Scrutiny for the Unitary Authority

Of those members interviewed the majority were opposed to the creation of a single unitary authority for their county. They thought that their county was geographically too big for a single unitary authority. A member remarked that they have a diverse population of 500,000 people covering a big, yet peripheral county, therefore:

“you’re not just providing local government services you are the government of that place and you have to function like that.”

Their view, shared by other members, was that the county should have been split into three administrative areas, but because of the county’s strong regional identity

it was left as one large unitary, but without been given any regional powers that, arguably, it should also have.

Another issue with the geographical size of the unitary authority was raised as a potential problem to unitary members in attending meetings at county hall as some may not drive and are then reliant on unreliable public transport. However more fundamentally the former district members expressed the fear that the towns and villages they represented would become further detached from a centralised administration. Their fear was that the reduced number of Cllrs in the unitary authority would result in under representation of the people, the so-called democratic deficit.

Indeed, under the two tier arrangements the districts would often, justifiably or not, complain that they were overlooked or ignored by the larger county council, which was remote from the population unlike the districts. In contrast the member from the former county council would have advocated only 40 or 50 members rather than the 123 the unitary does have as the role of a unitary Cllr:

“is bigger and the challenges are bigger.”

In their opinion with fewer members the area of representation (individual wards) would have been larger and would have attracted a better calibre of people to the highest tier of local government in that area. Whereas they feared having 123

members will have attracted Cllrs who are more inclined to parochial issues rather than the strategic.

As described above (see Chapter 4 Methodology) during the final year of the two-tier structure an IE and been established to oversee the implementation of the new unitary authority. A joint OSC of 12 county and 12 district Cllrs was formed to scrutinise the decisions of the IE. It brought together experienced O&S members from across the county and a district chair was the chair of the joint OSC. This one particular member held their O&S function in high regard and they were reluctant to see all their achievements lost in the abolition of the districts; subsequently they wanted to incorporate the best of O&S in a merger of the districts and the county as opposed to a takeover by the county. With the assistance of an O&S officer from the county council a series of workshops were arranged with the CfPS, the Improvement and Development Agency (IDeA) and the local Regional Efficiency and Improvement Partnership (REIP). All the district and county Cllrs, both executive and non-executives, were invited to discuss how they saw the O&S function working in the future. The member described that as “working tremendously well” and the event was held at three venues resulting in a report authored by the CfPS and that formed the way forward for the members. The planning for the O&S function for the unitary authority also included discussions with the newly appointed chief executive, who immediately indicated that the Assistant Chief Executive's (ACE) department would be responsible for O&S. Elections before going unitary would have been preferred as they would have given political stability and direction to the period of implementation. When this

member was asked if the preparations for O&S could alter with a change of leadership after the unitary council elections their reply was:

“We have set the goal posts now. For anybody to change things it would take an awful lot of work and an awful lot of thought... the terms of reference and the scope of the committees, the names of the committees, the procedures, rules... that’s got to be taken into consideration that’s got to be incorporated into the constitutional arrangements...we’ve done a fair bit of work on that. So I think it would be very difficult to change.”

Priorities for Overview and Scrutiny in the Unitary Authority

The members views as to the priorities for the unitary council fall into two strands. Issues relating to O&S and those policy areas that need to be addressed. With regard to O&S:

- Members advocated an overarching Overview and Scrutiny Management Board (OSMB) to manage the O&S function to:
 - Scrutinise the council’s budget
 - Develop and champion the O&S in the council
 - Promote democracy and engage the public in democracy
- The chair of OSMB would be elected by the full council and the chairs of the individual OSCs would be elected by the committee members themselves as opposed to being selected by party groups.

Great importance was placed on the executive of the unitary council having a positive relationship with the O&S function. The chair of the joint OSC said:

“We need a leader in the new authority who understands scrutiny and that’s not necessarily always the way it is. If you’ve got somebody who can champion your cause who is actually a member of the executive then you’re winning I think.”

Although that is not to say O&S will relax their holding to account of the new leadership. They added:

“We’ve got to push the critical friend a little bit more with the executive – I think we need the executive to come on board and value the function and also realise the potential benefits of liaising more with scrutiny.”

Policy priorities for the new unitary authority should be those areas that the districts used to be responsible and of importance to the public such as:

- Planning
- Licensing
- The environment
- Public transport
- Affordable housing
- Community engagement.

5.3 Post Reorganisation Approach to Overview and Scrutiny

5.3.1 Attitudinal Conditions

Resources and Officer Support

Authority A Leadership stated that effective O&S is:

“a cost and it has to be properly resourced”.

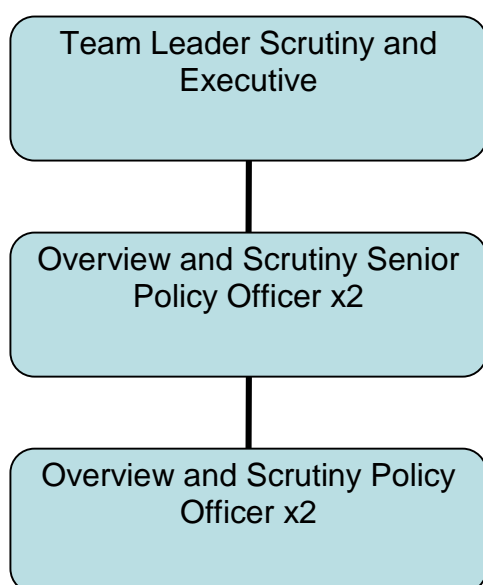
Therefore there has been an increase in officer resources from that of the former county council. They now have a dedicated O&S team of 2 senior policy officers and 2 policy officers managed by the Team Leader for Scrutiny & Executive, which is located within the ACE department (see Diagram 2). They have varying experience of O&S and Authority A O&S Management anticipates that the O&S

team will be at full capacity soon. They will be able to call upon additional resources from other departments despite having no dedicated link officers, however directors are regarded as the key link to O&S. In addition O&S has been allocated:

- £19,000 for training
- £5,000 for conferences
- £5,000 for general scrutiny.

Authority A Chief Officer gave a cautionary note in that they already regard the resources of the authority as being “overstretched” and financial pressures facing the authority could have an effect on O&S resourcing in the future.

Diagram 2 Authority A Overview and Scrutiny Officer Structure



The Role of Overview and Scrutiny

Authority A O&S Leadership described the role of O&S as to:

“drive improvement in service delivery to actually represent the concerns of the public, the main role of course is to provide critical challenge to the decision makers. More importantly I think... is we have to be independent minded governors of the function, in other words be independent of the executive, but maintain a nice friendly relationship where possible”.

Their own role is an ‘ambassador’ for O&S. They are selected by the chair and vice chairs of the O&S committees who comprise the informal management board.

Authority A O&S Management described the role of O&S as:

“meeting the 4 principles of good scrutiny. Providing effective constructive and critical challenges within the organisation... from a local perspective it’s actually very much about contributing towards the authority’s improvement journey and actually helping a very new cabinet to recognise areas where it can do things in smarter ways and better ways in different ways; more efficient bodies to achieve these goals... it’s partly about building levels of knowledge and expertise not just within the scrutiny committees, but building teams inside and outside of scrutiny to be able to provide a skills base or pool”.

Authority A Chief Officer regards the role of O&S:

“is about challenge, understanding, holding people to account within the council and beyond. But actually there is a discussion going on as to whether (or) how that is interpreted, whether it’s a purely looking back thing or whether it does involve policy development. My own personal view is that it should be both. Because I think there is a danger if it is just the sort of looking back it can be quite negative”.

Authority A Leadership describes O&S role as to:

“ensure those policies that are put forward by the whole council are being in fact implemented and implemented in the best way possible and as efficiently and effectively”.

Authority A Leadership argued that the scrutiny element of O&S is too negative a role for members and in the last four years (under the previous administration) it was seen as being ineffective. They see a more positive role for overview to explicitly develop policy for the executive and council as a whole to consider. Indeed, as mentioned earlier, they would replace the term overview with policy

development adopting the former county council's model of policy development and scrutiny committees. The present cabinet are in favour of implementing policy development committees, but it would require constitutional change in addition to consultation with O&S members and the rest of the council. As Authority A Leadership said:

"I personally would prefer a policy development and scrutiny role for those committees... most members want a more positive role so they want to be involved in policy development which gives them a positive input rather than purely a negative one of saying you are not doing that right".

Relationship Between the Executive and Overview and Scrutiny

Authority A O&S Leadership describes the relationship as "emerging" and "developing". They indicated that the executive do not fully understand O&S:

"I think once they realise the value of scrutiny and what we can add in terms of value to the decision making process, I feel that it will blossom."

Authority A O&S Leadership does not want the relationship to be adversarial:

"we are there to be friends, but if necessary there will be a little friction between us".

Authority A Leadership's view is that cabinet and O&S are not adversarial and that they are "starting off with a clean sheet". Indeed, the cabinet sees the

"overall committee which is made up of the chairs and vice chairs of all the scrutiny committees which meet on a regular basis and the cabinet feeds into that as well so we are starting off with a clean sheet and cabinet members are attending and communicating with their own relevant areas."

Authority A Leadership attended the first meeting of O&S and when he is available will attend more, invited or not. The informal OSMB also review the Cabinets agenda and are permitted to take formal questions to Cabinet. (This is a practice that was brought from one of the districts.) Other than this there are no formal

timetable meetings between the executive and O&S yet. From the perspective of Authority A Chief Officer and his officers the relationships are good:

"I think my chief Officer colleagues have spent more time working with the scrutiny panels... I would say that all the relationships are pretty good. And it's certainly not adversarial."

Recommendations

At the time of the interviews O&S had not made any recommendations to Cabinet therefore it is not possible to determine how they are made and received by Cabinet.

Member Involvement in Overview and Scrutiny

The elections to the new authority returned many new members with little or no experience of local government at a county wide level. Authority A Leadership viewed this as a positive:

"Out of 123 councillors, 98 are new to the county council level. So there's a lot of new blood and a lot of enthusiasm and positive cooperation".

Authority A O&S Management viewed this more negatively:

"We've got a lot of very, very new members within the authority, so people who haven't come in through the conventional routes or serving 10-15 years on a town or parish council, those sorts of things which is a traditional route, and then maybe 5-10 years on a district council. We've got a lot of members who don't have that kind of experience base..."

Therefore:

"the collective knowledge of the organisation at member level isn't what it might have been".

Indeed for those members that have experience the former district Cllrs are becoming accustomed to a significantly larger organisation and the former county Cllrs are broadening their remit to include areas such as planning and housing. Given the inexperience of the new members the authority is developing training that covers the political and decision making processes, including O&S.

Despite the concerns raised above Authority A O&S Leadership described member involvement in O&S as being “fairly well advanced”. They described the chairs and vice chairs as “passionate and enthused” by O&S and said they had a significant role in developing the O&S function:

“they need to lead the process, they need to engage the members, they need to become ambassadors, they need to be gatekeepers”.

Political Balance and Interaction

As described above the results of the election returned the largest party without an overall majority. Authority A Leadership of the new council regards not having one party in overall control as being positive as it is:

“much more cooperative and inclusive... ideally the whole council will get together in the same direction, that’s the way we get the best”.

As Authority A Chief Officer observes the authority:

“is much less political, much less party political”.

Regarding O&S it is politically balanced with a proportionate number of members from each party represented. The O&S chairs and vice chairs are selected from

the ruling coalition in line with previous practice with the 'opposition' members being invited onto the informal OSMB. The O&S Management notes that because the chairs and vice chairs are from the same administration they want to show they are "independent scrutineers". However they give a cautionary note in that the authority has made few executive decisions therefore the opportunity for party political tensions have been equally few.

External Overview and Scrutiny

One other area where O&S will need to improve their engagement with organisations and individuals external to the authority is the new legislation relating to scrutiny of organisations including and beyond Local Area Agreement (LAA) partners. Authority A Leadership describes it as "inevitable" and "right" that O&S looks outward as well as inward. O&S can influence the cabinet, the council and can also inform their partners, such as the Primary Care Trust (PCT) and the police. This corresponds with Authority A Leadership's aim of involving as many partners and communities in decision-making as:

"it is all part of a joined up thinking that we can't afford not to do any more".

The CAA is the focus for external O&S will give O&S more impetus. Authority A O&S Management has had preliminary discussion with the members and is looking to the CfPS for guidance on how to engage with partners. This is prudent as Authority A Chief Officer explained the authority's previous experience of external O&S by the Health Scrutiny Committee of the PCT has been adversarial. Therefore any future O&S of partners needs to be more constructive.

The Effectiveness of Overview and Scrutiny

Authority A O&S Leadership sees an effective O&S function as one that provides effective challenge to the decision makers and that is recognised and valued for doing so. As they stated effective O&S:

“is recognised and valued and provides effective challenge to the decision makers, but more important... it would be an influencing body...”

Authority A O&S Management links effective O&S function to members ownership and understanding of the function:

“It’s about a process which is owned by and driven by members who recognise and understand that it’s a corporate role...”

Authority A Leadership relates effective O&S to the attitude of non-executive members:

“What makes it effective is an attitude among scrutiny members that they are there to achieve the best possible outcome and they are not just there to criticise in a negative way. They have an important input to the overall effectiveness of the organisation and its partners.”

Authority A Chief Officer measures the effectiveness of O&S by determining if it contributes to making a smooth transition to “a fantastic unitary council”. In

Authority A Chief Officer’s view:

“I think the measure of scrutiny is whether it helps the authority do that. So if we have an authority that fails to make a good transition that doesn’t achieve the financial savings, that doesn’t go beyond the council into broader things, then scrutiny’s failing as well as the authority... scrutiny has a contribution to make on every count. If scrutiny starts trying to do things that detract from that by going up blind alleys or doing things that actually aren’t critical to that mission then it could damage things.”

Overview and Scrutiny: The Lion that has failed to roar

Authority A O&S Leadership would not regard scrutiny as a lion; noting that O&S can only influence decision-makers:

“Scrutiny needs more teeth I would say but it still needs to remember that they have an influencing role... it’s got to be done by hearts and minds”.

Authority A O&S Management that O&S has not achieved its potential, but has had some success:

“I think where scrutiny does achieve its potential is very often in the areas of performance management, of review, of contributing towards the development of policy and informing policy but when you get to the really hard big political issues, I think scrutiny at that highest level struggles in exactly the same way as parliamentary select committees do.”

Authority A Leadership agreed that O&S in the former county council failed to roar, whereas in their view O&S was very effective in the former district councils.

Authority A Chief Officer was dismissive of the minister’s opinion. He was more concerned with making sure O&S adds value to the new unitary administration.

5.3.2 Process Conditions

Call-in

Authority A O&S Leadership is to avoid the call-in scenario by making an early challenge to a decision of the executive before it is made by having informal discussions with Authority A Leadership and relevant portfolio holder. This approach is also encouraged by Authority A Leadership, however if O&S have a good reason for disagreeing with executive then they would not be adverse to a decision being called-in:

“As long as they have a good reason for it. I’d like to think that informally they would come to us and say we are not happy with that.”

The main points for the procedure for call-in at authority A is as follows:

- Call-in should only be used in exceptional circumstances
- Members have 5 working days after the publication of a decision to call it in
- The monitoring Officer (the Head of Legal and Democratic Services) calls-in decisions at the request of the chair or any three members of the relevant committee
- The monitoring officer rejects or accepts the call-in request
- An OSC can only call-in 2 decisions per six months
- A member can only make a call-in request every 2 months
- Urgent decisions cannot be called-in.

Public involvement in Overview and Scrutiny

The collective opinion was that O&S in the unitary needs to improve public involvement in the O&S process and that none of the two-tier authorities had been particularly successful at public engagement. Indeed, Authority A Chief Officer thought that O&S is:

“not a good method of engaging with the public”.

Therefore the challenge for O&S is to improve their methods of community engagement and one possible mechanism is the 21 proposed community networks designed to demonstrate the unitary authorities commitment to delivering localism. However their relationship with O&S is uncertain. As Authority A Chief Officer explained they are a means of integrating local service provision based on

clusters of town and parish councils and less about organising the public to make local decisions. O&S role would be to see whether they are working and help develop them.

For the Authority A O&S Leadership the question of community networks is not primarily about their makeup, but more about members fulfilling their community leadership role. In their view members would lead the process in determining what the community wanted out of the network. With regard to the link between O&S and the networks they see it as O&S on a different level, effectively local O&S. They would see it as a way of taking pressure off the main OSCs. It would require the community network managers to function like an O&S Officer. However, more importantly it would place the members in the dual and, possibly conflicting role, of the eand O&S for their community network area.

Authority A Leadership agrees that the community networks are a means for members to fulfil their community leadership role and for local communities to resolve issues at a local level. Given that members are also involved in O&S then it would be natural for them to bring local issues to the attention of O&S and the executive if it is of county-wide, strategic concern. Therefore the community networks could be part of the 'critical friend' role of O&S. However, as the Authority A O&S Management, the way in which the authority delivers localism is under review and therefore the relationship between O&S and the community networks is also to be determined. He envisages that O&S role will firstly be to review how the networks are functioning. O&S could then use community networks to look at the performance of the authority and other service providers at a local level, especially in relation to the Comprehensive Area Assessment (CAA).

5.3.3 Structure and Mechanism Conditions

The Development of Overview and Scrutiny for the Unitary Authority

As detailed above (see p.113) when they were chair of the joint O&S for the IE the current Authority A O&S Leadership took the lead on developing the O&S function for the unitary authority with the assistance of the CfPS, the IDeA and the REIP. members and officers have identified working practices, methodologies, processes to deliver a:

“robust, comprehensive scrutiny process”.

Authority A O&S Management it as a “blend” of the former county council and one of the former districts, which was regarded as the best resourced and the best O&S function in the county. However the structures and processes put in place are likely to change over the coming months and years. As the Authority A O&S Management explained:

“We have got a start which members are comfortable with... but I would expect it to look very different in 12 months time because the unitary isn’t the same as a county or districts”.

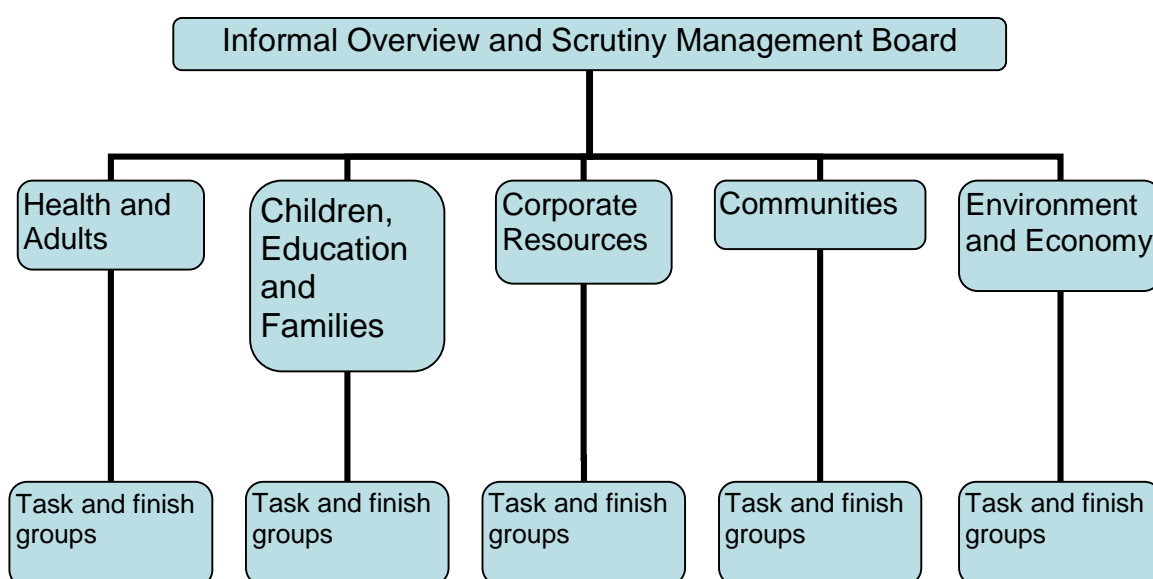
The O&S arrangements are embedded in the constitution with the exception of the informal management committee. This had not been included in the constitution to avoid party political influence on its composition and membership. There was an issue regarding the terminology and function of the committees. Authority A Leadership said that all members should be involved in policy development and therefore the new executive want to revert to naming the ‘overview’ part of O&S

'Policy Development' and to assist the executive in developing and deciding policies for the new authority. However, as the O&S chair explains the executive appears to be confused on this issue as O&S role is to influence the development of policy before decisions are made. They cannot determine policy as they would be unable to challenge it in the future.

Structure of Overview and Scrutiny

The structure of O&S at this authority is based on the legacy from the former county council. There are 5 O&S committees which are aligned to the LAA themes and also the corporate priorities of the authority (see Diagram 3). There has been one significant change and that is the informal OSMB made up of the chairs of the other committees, who co-ordinate the work programme to avoid duplication and give advice and guidance to the other committees. The OSMB is informal as if it were formal the council would have to elect its chair and members of O&S want to avoid any potential influence from the political parties or leadership of the council.

Diagram 3: Authority A Overview and Scrutiny Committee Structure



Overview and Scrutiny Work Programme

Research has shown that the O&S function has been successful in overview and not so in scrutiny (Ashworth, 2003a; Ashworth and Snape, 2004) therefore the balance between two sides of O&S is significant in the work programme. Authority A Chief Officer thought that there had been too much 'scrutiny' in the past and that there should be a balance between the two. However Authority A Leadership argued that the new authority should have continued having specific policy development committees where non-executives could decide as opposed to just influencing policy. However as mentioned above the chair argues that policy development should only be influenced by O&S and the decisions on policy should remain with the executive as in the present constitution.

O&S has held sessions with the CfPS and IDeA on the work programming process, and as the chair explained they have just begun developing a work programme (see Figure 23). Any member is able to suggest an item for consideration and each OSC determines its own programme with guidance from the informal OSMB. OSC chairs have a gate-keeping role to ensure that items are prioritised in line with the authority's Corporate Plan, that they will be able to influence the decision makers and make good use of their resources.

With regard to what topics they could choose the priority for the O&S leadership is the budget for March 2010, because without it there would be no council. Authority A Leadership said the new authority has inherited:

“major organisational performance problems in all areas. We have an awful financial situation and major areas of weakness organisationally attributable to the whole disruption of transition and the cost”.

They described needing to develop policy for the planning process, local development, localism, waste management, the budget, health and social care adding:

“We are now at the stage where we are just fixing major problems before we can start looking towards preparing to transform and actually excel”.

Authority A Chief Officer was in agreement that the authority needs to improve its performance based on recent external inspections. They also indicated that the authority had to address how it secured finances, made efficiencies and reduced service levels. Therefore O&S has held meetings with the relevant Directors regarding the biggest risks and challenges, although there have been no specific requests from the executive so far. The O&S Management emphasised that there is:

“non-political consensus amongst all members that where things are big and are in need of fixing they need to be fixed”.

The O&S Management has also been working with members on issues specifically related to O&S, i.e. recent and anticipated legislation, which also requires time in the work programme.

Allocation of Chairs and Vice Chairs

As noted above the chairs and vice chairs are selected from the ruling coalition in line with the practice of the previous administration. They are chosen by the members of the individual committees and not the full council as in other authorities.

Figure 23: Examples of Overview and Scrutiny Work Programme for Authority A

Overview and Scrutiny Committee	Topic
Environment and Economy	<ul style="list-style-type: none"> • Unitary council's carbon footprint • Developing local transport plan • Creating a green county • Regeneration and investment of parks, lakes and gardens
Children Education & Families	<ul style="list-style-type: none"> • Transformation of children's services • Children's trust safeguarding Children & looked after children • Primary strategy for change
Communities	<ul style="list-style-type: none"> • Housing strategy • Homeless strategy • Sustainable Communities Act • Gypsy and traveler sites
Corporate Resources	<ul style="list-style-type: none"> • The budget • Performance management framework • Preliminary appraisal of internal communications, member communication's, social media & public engagement • Severance policy
Health and Adults	<ul style="list-style-type: none"> • Review outpatients appointments • Commissioning process for adult care and support • Patient transport • Progress of local hospital trust's foundation status

5.4 Key Findings from Authority A

5.4.1 Attitudinal Conditions

- The unitary authority now has a team of 4 dedicated officers and has been allocated a budget of £29,000.
- Authority A Leadership sees O&S has having a greater role in developing policy or even deciding policy

- Leadership wants to develop a non-adversarial working relationship with O&S
- The executive is not adverse to a decision being called-in, however they would rather avoid a call-in and resolve any disagreements informally
- There is consensus that there are major issues that need attention and that O&S has a role in this
- O&S relationship with the executive depended upon individuals approach as opposed to anything systemic
- Members have always considered O&S scrutiny to be part of their role as a Cllr
- A potential challenge for O&S is the experience of members at a county level which varies considerably as only 26 Members of the former authority were returned out of 123 members. Indeed, 40-50% of new members had not served on an OSC, therefore training is an issue for the new authority
- The demands on the members' time in the new unitary authority are considerable
- It is agreed that O&S could have more teeth, but O&S can only influence decision-makers and therefore it needs to win "hearts and minds".

5.4.2 Process Conditions

- The ability of O&S to call-in the decision of the executive was used infrequently
- O&S needs to improve public participation

- The creation of the community networks as an opportunity for O&S to engage with the public.

5.4.3 Structure and Mechanism Conditions

- Each authority had developed the structure of O&S to reflect their culture and meet their particular needs, including the allocation of chairs and vice chairs of O&S
- The structure of O&S in the new authority is a blend of the old county council and what was perceived as the best functioning district council
- The unitary authority has 5 O&S committees aligned to LAA themes and the executive's portfolios
- The O&S chairs & vice chairs are selected from the ruling coalition in line with previous practice and are chosen by the members of the individual committees and not the full council as in other authorities.

5.5 Conclusion

This chapter has summarised the key demographic and political characteristics of the authority area. Also, by analysing the data from the semi-structured interviews held with the members and officers from the former county and district councils, the unitary council and from relative documents, has outlined O&S prior to and after re-organisation. The thematic analysis has identified key findings focused on the development, structure and resources of O&S, its role, the involvement of members and the general public in O&S, the effectiveness of O&S and the development of O&S for the unitary authority. These findings can now be compared and contrasted with the other case study authorities in chapter 9.

Chapter 6 Local Authority B

6.1 Introduction

This chapter firstly, through analysis of the data from the semi-structured interviews held with the members from the former county and district councils and of relevant documents, will outline O&S prior to reorganisation. Secondly, through analysis of the data from the semi-structured interviews held with members and officers from the unitary council, it will then describe O&S after reorganisation. The analysis is presented thematically in a framework based on Leach's (2009) three conditions for effective O&S namely, *attitudinal*, *process* and *structure and mechanism* conditions. Finally, it will highlight key findings to be compared and contrasted with the other case study authorities in a later chapter and relative conclusions will be drawn.

6.2 Pre Reorganisation Approach to Overview and Scrutiny

NB For this section former district and county cllrs will be referred to as member(s).

6.2.1 Attitudinal Conditions

Understanding the Role of Overview and Scrutiny

The Local Government 2000 introduced new political structures and new decision-making procedures to local authorities, but had not altered the fundamental role of members to review the decisions within their council. As one longstanding and very experienced member said:

"We have always had scrutiny. Scrutiny isn't a new thing."

Other members described the role as:

“to improve the services or save on the services”

“It’s there to improve and enhance what we do. If you do something the same way for long enough it gets stale and scrutiny is there to challenge the way things are done and to make sure that it is being carried out correctly and efficiently and to look at better ways, in detail and examine and explore. Under the scrutiny system we do have that chance. There’s a greater role now for members to question and query the reports that come through from officers.”

“To review, scrutinise and advise (on) decisions”

“To support the leadership of the authority”

“We are here to further the key aims and priorities of the authority, hold the executive to account and develop policy in a non-political arena. We’re not here to hit anybody with big sticks. We’re not an opposition. I’m quite clear about that remit.”

In summary, the members’ opinions on the role of O&S centred on:

- Challenge to Authority B Leadership
- Accountability for decisions
- Improvement in services
- Efficiency of services
- Support to Authority B Leadership to achieve its goals
- Not being an opposition.

Relationship with the Executive or Policy Committees

In the formative years of O&S there was the perception amongst members that O&S role was to make negative criticism and to find fault of the executive. Therefore the relationship between the two was initially difficult and had to be developed. As one member reflected:

"it was basically a matter of finding their feet. We've had to creep before we could walk".

They learned that:

"if you have got to be critical then be critical but do it friendly...there's a closer working relationship between the executive members and the scrutiny members. Before that it was a little bit strained to say the least."

One member said that the relationship with their executive remained:

"a big big issue...because a lot of members think scrutiny is under-valued, second hand."

Their council leader's regular quote when speaking in relation to O&S was 'we're two-sides of the same coin' however given the officer support and resources allocated to the executive they did not feel this was the case.

In contrast to the problems some of the authorities had one member said that their leadership was never a problem to O&S as they did not interfere with O&S.

"We are left alone. Of course we tell them what we are going to do. Same as everywhere else they get to know what we have picked out to do. Authority B Leadership has never been a problem."

Arguably the relationship with the executive centred on the acceptance or not of O&S recommendations and the experience across the authorities was that there was almost 100% acceptance. A member gave a reason for this:

"I think most have been received by the executive and acted on and this is because they are evidence led and outcome driven. If the evidence is there and the recommendations come from that evidence base it is hard to refute."

However other members had problems with the executive with the implementation of recommendations. This was resolved by the introduction of a procedure for the executive to report back to O&S. For example, one member described that:

“up until then the reports went to cabinet and then they were in an abyss, if you found out what happened, you found out what happened, if you didn’t you didn’t so there is a reporting procedure of 4 weeks in which to get back to the chair of the relevant panel”.

Other authorities asked the executive for an action plan of how it was to implement the recommendations, which O&S revisited every 6 months to look at progress. Members’ found that the executive did not consult with O&S before decisions made so they also reviewed the executive’s forward plan to see what decisions were impending so they could make comments in advance. Another example of how O&S formalised the relationships was one authority had allocated executive members to their 3 OSCs to liaise with them and to create a closer working relationship.

Member Involvement in Overview and Scrutiny

The effectiveness of O&S relies upon the participation of members and the value they place upon it. One chair stated that members in their authority are “proactive” and added that:

“Members themselves find the value in scrutiny as a place where they can give their voice and make sure they are heard and make sure the executive hears their voice.”

Another said that:

“As far as I’m concerned all non-executive members should have a scrutiny role.”

However, the chairs estimated that only 40% of non-executive members were involved in O&S at any one time. Reasons given for this were that some members have never shown any interest in O&S and preferred the old committee system

where they could make decisions rather than just being able to influence decision makers. Alternatively they have chosen to participate in other committees such as licensing and planning where they retain the decision-making power. Members are allocated to OSCs based on the political balance of the full council. Decisions on who would be made within parties based on individuals interest in a particular subject. However, because of the rules regarding political balance some members have been unable to participate in OSCs.

Officer and Financial Resources

Officer support was described as inadequate with most of the districts only having one officer and in some instances they were not dedicated to O&S having other duties in their democratic services department or equivalent. In most instances O&S had secured additional clerking support, however one member described their officer's duties as being only "administrative" leaving members to provide their own research, reports and presentations. In another authority their dedicated officer had in fact three positions O&S Manager, democratic services Manager and the authority's election manger. As they worked directly with the executive this surely raised the possibility of a conflict of interest? The experience and abilities of the officers supporting O&S also varied between the authorities. Many were very experienced officers, mainly from a democratic services background, and were described as being very important in keeping O&S free from outside influence and independent. Members tried to improve officer support, but as one member recalled the answer was always there were more important areas to consider staffing for:

“so we are undoubtedly second or third or fourth.”

The member from the former county council gave their opinion on why officer resources were so important to O&S:

“The evidence is where the capacity for officer involvement is good scrutiny is good. I think we recognise that.”

With regard to financial resources the authorities varied in their ability to secure a discretionary budget for O&S, however finances were made available for training of members, evidence gathering and site visits. Unsurprisingly the O&S Manager at the county council had been allocated a significant budget for this of £25,000, but even one of the 4th option authorities had a budget of £2,000 to help conduct O&S reviews. However one district member complained that:

“we have meetings where external partners come in, such as Environment Agency staff, and we struggle to put on a cup of tea or coffee and a biscuit...”

Non-political Overview and Scrutiny

The view of all the members was that O&S was by and large a non-political process in their authorities. This was achieved as a result of the ability of the chairs to establish and maintain a non-political environment in their committees and not to succumb to interference from outside. One member outlined their experience of chairing O&S committees. They explained they avoided taking votes as that made O&S political. They insisted that O&S was:

“done through discussion and consensus of opinion to make sure that we all come up with the recommendations that we want and I won’t allow the political element to enter into any of the scrutiny’s that I chair”.

Effectiveness of Overview and Scrutiny

Regarding the effectiveness of O&S members agreed that it should make a difference to the lives of the communities that they represent by improving the council as a whole. As one member stated:

“if scrutiny is performing well and effectively it drives forward, improving the council”.

Another also agreed with the above, but added that:

“it (O&S) could and should make a larger difference than it currently does. Perhaps we’re partly to blame for the public awareness of Scrutiny”.

Members gave examples of O&S reviews that they described as ‘good’ this was because of the thoroughness of the process, the recommendations made or the extent to which the public were involved. They were:

- Smoke free public places
- Kerbside recycling
- Bonfire policy development
- Fly-tipping
- Targeting resources for young people
- Maintenance of headstones in churchyards
- City centre CCTV provision
- Council employee sickness absence
- Adolescent mental health.

6.2.2 Process Conditions

Call-in

Of the members interviewed in this county they unanimously regarded the use of call-in as a failure of communication with Authority B Leadership of their authority. The majority rather regarded the use of call-in as a weakness and something to be avoided. As one member stated:

“my idea of call-in is this, that if you call-in and continue to call-in it’s a weakness. It means you haven’t got a dialogue with the executive.”

Therefore the majority of members appeared not to view call-in as a means by which O&S would readily hold Authority B Leadership to account for decisions they had made. In contrast one member did view call-in as a means to fulfil the critical friend role. However they said the means by which to request and implement a call-in worked against the member who wished to raise it. In their authority members only had 72 hours to raise and to review the decision and complete a call-in. They suggested that this was because decision-makers felt threatened by the procedure. Subsequently they had only ever had one call-in in the 7 years they have been involved in O&S. Whether it was because of the attitude towards call-in by Authority B Leadership, by O&S members or the rules for a call-in there had been few call-ins across the whole county; most members only recalling one or two in their own authority in the time O&S had been in operation.

Public Involvement in Overview and Scrutiny

Members generally described their experience of engaging with the public as “hard”. Indeed one member described their attempts to involve the public in O&S as a:

“soul destroying mission”.

The former county and district councils had made attempts to engage the public. For example:

- Public engagement was part of scoping O&S reviews
- O&S chairs invited members of the public to be involved
- One authority allocated 20 minutes of O&S meetings to the general public to raise questions (however they rarely attended)
- O&S co-opted interested members of the public on committees on an ad hoc basis.

Conversely one member from a district did say that 2 or 3 people regularly attended O&S meetings. It was suggested that the general public were not involved, because they were either uninterested or unaware of what O&S is and does. The overwhelming view was that the public would only become involved if the issue under scrutiny was of interest and relevance to them. As a member said:

“the only time the general public is interested in an issue is when it directly effects them, so if the services has been grown efficiently and effectively, then they don't have any qualms. So they just let you get on with the job.”

One member stated that this lack of interest and awareness was due to the council not promoting O&S:

“I think what we have to do is simplify it so that the public know what scrutiny is, I think most people understand perhaps what a cabinet is or an executive member, but ask them what scrutiny or a scrutiny member does and they wouldn’t have a clue.”

6.2.3 Structure and Mechanism Conditions

The Development and Structure of Overview and Scrutiny

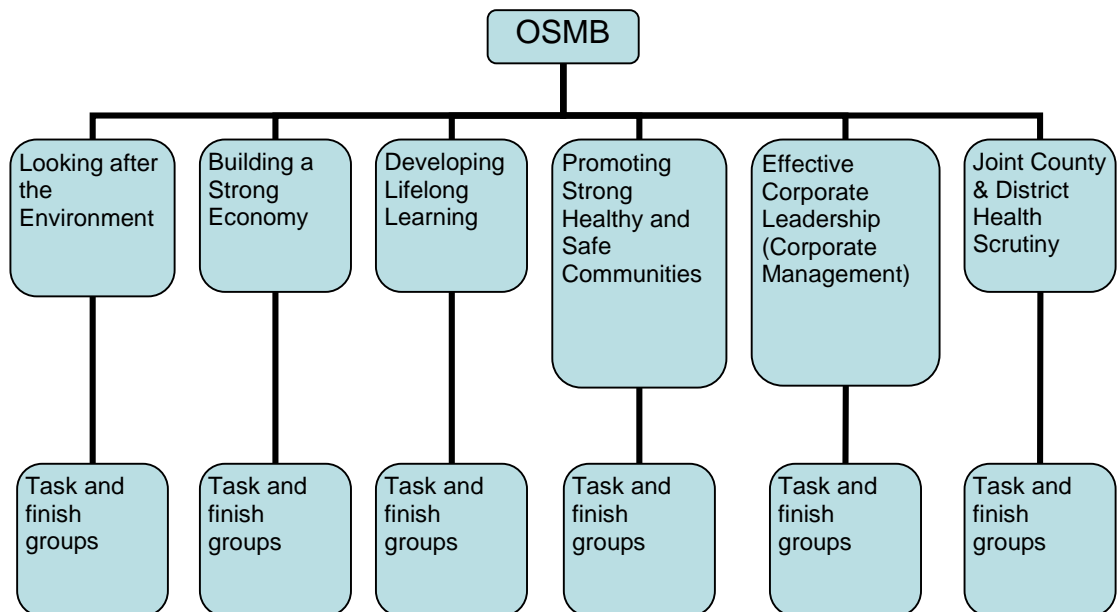
As noted above following the Local Government Act (2000) in this county six of the eight authorities adopted Authority B Leadership and cabinet model of the new political structures and the remaining two chose the 4th option. The structure of O&S (See Diagram 4 for examples of O&S committee structures from Authority B) has continually evolved in the individual authorities as each authority has developed the structure of its OSC, membership, officer support, meeting times etc. depending upon their authority’s and members particular needs. For example,

- All of the larger authorities had a management board made up of the chairs and vice chairs of the O&S committees
- Most authorities had 3 or 4 committees or panels, which were collated into themes often reflecting the service departments and or their priorities
- Given the relative size of the 4th option councils they divided O&S into two OSC
- Time bound task and finish groups were used to conduct in-depth or light touch reviews on specific topics

- None of the authorities had divided their O&S function into separate scrutiny and overview committees.

Diagram 4: Examples of Overview and Scrutiny Structures from Authority B Prior to Unitary Status

Former County Council



Former District Council

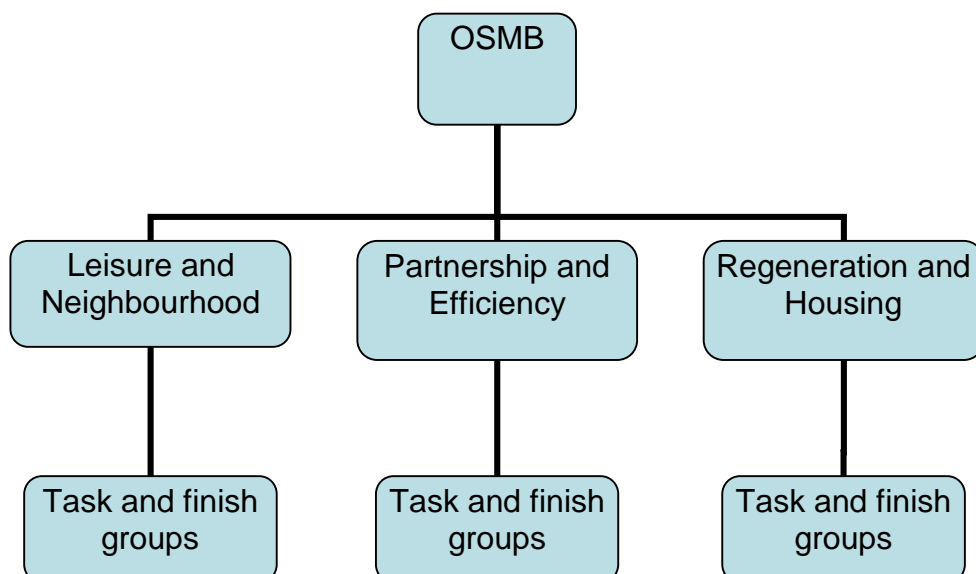
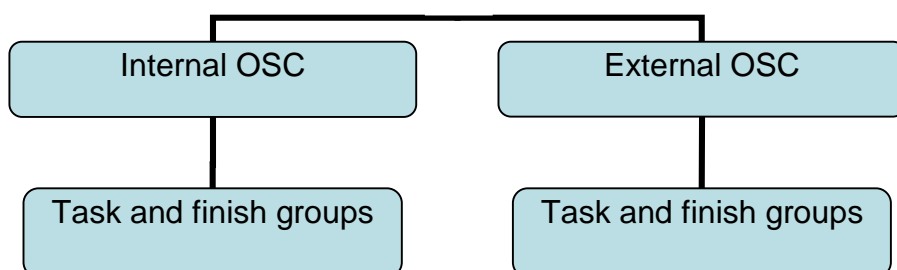


Diagram 4 Examples of Overview and Scrutiny Structures from Authority B Prior to Unitary Status continued

Former 4th Option District Council



Allocation of Chairs and Vice Chairs

In the county council and in the majority of the districts the largest controlling party held all the chair/vice chair positions in O&S. The reason given for this by a number of members was the desire not to allow the smaller opposition parties to use O&S as a mechanism to oppose the executive. As one member said:

“If you’ve got the opposition as all the chairs and vice chairs of all the scrutiny groups then immediately you’re making it political and I don’t think it should be.”

Another more practical reason was there were insufficient opposition members available and/or interested to take up these positions such was the dominance of one party in the council. However there were instances where opposition members did chair OSC, task and finish groups and, perhaps surprisingly for this county, opposition members held cabinet positions on one authority.

The Preparation of Overview and Scrutiny for the Unitary Authority

Members in this authority were not directly asked about their opinion on the creation of the unitary authority, however it can be noted that the district councils

were opposed to a single unitary authority and would have preferred three smaller unitary councils. Of those members that did make comment the collective view was that they had to accept the single unitary and make the best of it they could.

As stated earlier (see Chapter 4 Methodology) the former county and district members were interviewed as part of a county wide evaluation of O&S prior to the creation of the unitary authority. The results of the evaluation were carried forward by the members and officers when planning for the unitary O&S function.

Priorities for Overview and Scrutiny in the Unitary Authority

The members' views as to the priorities for the unitary council fall into two strands; issues relating to the structure of O&S and those policy areas that need to be addressed. Firstly, a district member emphasised the need to address the structure of O&S:

"If you don't get the structure of it right it ain't going to work."

With regard to this the member from the former county council explained that that the model of O&S at county hall should be:

"a strategic body looking at the strategy of our policies".

They added there were plans to align the OSCs to the 4 thematic blocks of the Local Area Agreement as they are the strategic priorities for the county as whole. Members will address localised issues through other means such as the area partnerships.

Also O&S should also be taken seriously by the executive. A district member, reflecting on their frustration of O&S within their own authority, stated they were:

“looking forward to the new authority and scrutiny working properly...”.

Secondly, members said that policy priorities for the new unitary authority should be those areas that the districts used to be responsible for such as:

- Housing
- Leisure
- Planning
- Maintaining the standards of services that the public had in districts.

Members also highlighted priorities such as:

- How the unitary authority can address the needs of an ageing population
- Providing services and opportunities for young people, especially in rural areas
- Supporting job creation and industry across the county.

6.3 Post Reorganisation Approach to Overview and Scrutiny

6.3.1 Attitudinal Conditions

Resources and Officer Support

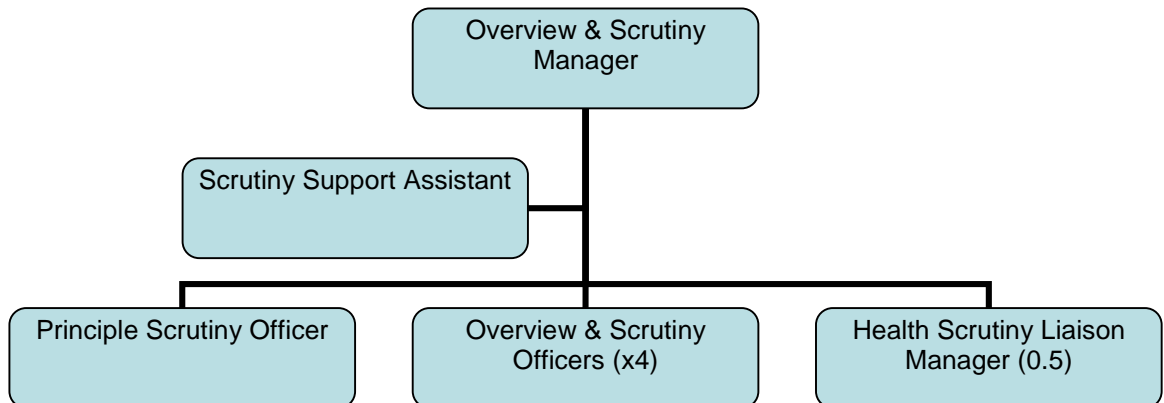
The process of LGR in this authority area meant that a new unitary council had been elected in May 2008, but the county and district councils continued until April 2009. When the district councils were abolished in April 2009 the majority of their officers involved in O&S, be they dedicated or part-time (cross-service) were able to continue working in O&S in the new authority. This illustrated the strength of the

officer network, the desire of those officers to continue to work in O&S and that the work programme required their continued support. Under LGR all interested officers had to compete for positions including the O&S Manager, but excluding the Health Scrutiny Liaison Manager. The former county council, in collaboration with the NHS, had jointly funded an officer to manage health O&S for which they were highly commended at the CfPS Good Scrutiny Awards 2009. Of the 7 officers who were appointed in October 2009 there was a 50-50 split of former county and district council officers all having direct experience of O&S. In addition democratic services have a dedicated officer to facilitate the continuing committee clerk support, the Heads of Service continue to be the link officers to O&S as does the Head of Legal and Democratic Services in their role as monitoring officer. Authority B O&S Management was contented with the number of staff (see diagram 5) especially in regard to members and officers being able to manage and respond to capacity issues and their increasing workload, e.g. their gate keeping and appellant role for petitions, involvement with CCfA, external O&S of partners and the “growing beast” of health scrutiny, however they said:

“we will have in the future is 7.5 officers in total. That to me is an excellent establishment and will be able to deliver an effective Scrutiny function”.

Authority B O&S Management administers a dedicated budget of £25,000 to fund training, conferences, seminars and O&S reviews. Finally, the new authority has created an electronic library of O&S reports from the former county and district councils from the last 3 years as a resource for members, officers and interested parties.

Diagram 5: Authority B Overview and Scrutiny Officer Structure



The Role of Overview and Scrutiny

Authority B O&S Leadership the role of O&S as:

“to hold the executive to account for the decisions they make; to be a critical friend... we are also involved in policy development... we are not an opposition.”

Authority B O&S Management that the O&S function is to:

“ensure that decisions made are made first time with overview and scrutiny contributing to the decision process, contributing to positive development, contributing to policy review, wanting to make a difference for the communities we serve.”

Authority B Leadership regards O&S as having an uncertain introduction in 2000, but it has emerged from a period of confusion and now:

“has got a very important role in terms of really reviewing the operation of the council... it has got an important role to play as well in terms of looking at the work partners, whether that’s housing bodies, health or so on... Scrutiny, you know has got the time and expertise to be able to look at this in depth, whereas sometimes the executive doesn’t”.

O&S is “more flexible then executive” as it can decide its own role and work programme. While the executive is focused on making decisions O&S can review the work of the council, partners and engage with communities.

Authority B Chief Officer outlines the role of O&S in the authority as:

“supporting the council and its partners to develop a prosperous, safe and sustainable future”.

O&S can achieve this by helping the council and its partners focus on the allocation of resources, the cost effectiveness of and quality of service provision by engaging with local people, learning from service users, monitoring performance and identifying internal and external best practice.

Relationship Between the executive and Overview and Scrutiny

Authority B O&S Leadership describes his experience of working with the cabinet and chief executive as “very positive”. They meet monthly with Authority B Leadership, the chairs and vice chairs meet their respective portfolio-holders and directors on a monthly or bi-monthly basis and the cabinet attend O&S meetings when requested.

For Authority B O&S Leadership it is a matter of good communication. They stated:

“they need to know what we are doing and I think it engenders that spirit of co-operation”.

When questioned as to whether there would be a danger of too close a relationship he emphasised the “fiercely independent” nature of O&S at the authority. Authority B Leadership endorsed the chair’s view that their relationship is positive and that they complemented each other’s roles. In the opinion of the O&S Manager is that the relationship could be strengthened, but overall it is “fine”. He describes the executive/non-executive meetings as “robust discussions” and adds it is one of several mechanisms in which O&S effectively challenges and holds the executive to account.

Recommendations

The executive does not make an instant response to recommendations made by O&S, but rather a written reply within 6 months. This will indicate if the recommendations have been accepted: when, how and by whom they will be implemented and how they will be measured. Authority B Leadership indicated that they should reflect the quality of O&S work, in that it has been well planned, scoped and delivered. They are looking for recommendations that are grounded in evidence, reflect best practice and are SMART (specific, measurable, attainable, relevant and time bound).

The O&S chair stated that recommendations made by O&S should where possible give indicative costs of implementation and be “evidence led and outcome driven”.

Member Involvement in Overview and Scrutiny

The elections for the unitary authority returned approximately equal thirds of former county council, former district council and new Cllrs (new to this level of authority i.e. they may have had experience as parish Cllrs). Former county and district members are learning how each other's responsibilities (e.g. licensing and planning) as well as how O&S functions within a unitary authority. Equally new members are learning how to fulfil all the roles expected of them. Whatever their experience there is a substantial demand on a member's time.

As was the case with the former county the O&S chair indicated that there was a 'hardcore' of members involved in O&S who see the value of the function. Authority B O&S Management observation was that an increasing number of members have become involved in O&S, which, coupled with the time available to members, raises questions regarding member's and officer's capacity to deliver the O&S function. Members will have the opportunity to attend various training courses on O&S conducted both internally by officers and externally, with organisations such as CfPS and IDeA. Members also have personal development plans to identify and manage their training needs and a O&S handbook has been adapted from one of the former districts for the new authority.

Political Balance and Interaction

Authority B O&S Leadership thought the result of the elections had not made O&S more political. In his experience all political parties have been involved in O&S and members have always tried to be non-political; making recommendations by

consensus. If there have been disagreements they have been acknowledged and included in reports. Regarding call-in, which is potentially the most 'political' aspect of O&S they have only had two votes on whether to request a call-in. Authority B O&S Leadership does recognise that O&S could always become political especially at election times, but he stated that it would:

"be resisted, even from my own party it will be resisted."

Authority B O&S Management's perception was that O&S had not become more political than it was before the unitary authority. They thought the majority of members interact in the right way in line with best practice. In fact he argued that politics is "healthy" and that it is important to have challenge within the O&S function. Within the 3 years he has been in his role he has not seen political dogma affect O&S. Indeed he gave examples of O&S reviews relating to health and social care that were "highly political and highly sensitive" where it was the recommendations made by majority party members that went against the cabinet's view.

External Overview and Scrutiny

One other area where O&S will need to improve their engagement with organisations and individuals external to the authority is the new legislation relating to scrutiny of organisations including and beyond LAA partners.

Authority B O&S Management drew attention to this authority's decision to align all its O&S committees to the LAA thematic arrangements recognising that the priorities for the authority are based on the wider strategic and local area plans

developed and agreed with authority and partner organisations. They have also hosted a 1 day seminar in October 2008 with LAA partners (i.e. the police, NHS, fire service) with presentations by the CfPS to explain what O&S is about and how they may come to interact in the future.

Authority B commented that it is for the leadership of O&S to determine how much O&S of partners they do, however he reflected that the O&S function has progressed from being focused purely on the internal workings of authorities to being more concerned with the performance of partners. As Authority B Leadership note this is of increasing importance as O&S role expands into providing evidence for the Comprehensive Area Assessment (CAA).

The Effectiveness of Overview and Scrutiny

Authority B O&S Leadership stated the role of the Cllrs was once about obtaining value for money and now it is about “value for people.” Therefore effective O&S is that which makes a difference to the people the authority represents and serves.

Authority B O&S Management agrees that an effective O&S function is able to add value via clear and SMART recommendations. To achieve this O&S will be led by multi-party representatives who:

- Understand the purpose of O&S
- Have developed and own the work programme
- Have the capacity to challenge and review the decisions and policies of the executive and partners.

Members will be supported by “high calibre O&S officer(s)” multi skilled in a variety of competencies including:

- Research and development
- Political acumen
- Being able to communicate and work with senior officers, partners, and communities.

From the perspective of the executive, Authority B Leadership characterised effective O&S as a process that can deliver outcomes that improve performance and service delivery by being:

- Open
- Transparent
- Consistent
- Understood by members, officers, communities and partners.

Overview and Scrutiny: The Lion that has failed to roar

Authority B O&S Management agreed with the minister that O&S had failed to roar, however they thought that had more to do with the development and position of the O&S function and that O&S has the potential to roar more powerfully and constructively. Conversely they also questioned whether O&S should roar. A roaring lion would suggest that O&S is a threatening adversary to the executive. Rather he suggested, continuing the animal metaphor, that O&S should be likened to a dolphin:

“intelligent, articulate, able to inform, able to be critical friends...scrutiny should be about being able to swim with your friend, rather than a bark or roar”.

6.3.2 Process Conditions

Call-in

Authority B O&S Leadership sees call-in as “a last resort” when other, more informal, interventions have failed to resolve the issue. In their view they must also avoid call-in being used as a political tool by political parties. Protocols and principals have been developed for the OSMB to look at requests for call in, including a filtering system to help decide which are accepted. Authority B O&S Leadership’s experience is that the executive are pro-active in their response to being ‘called-in’. Indeed Authority B Leadership said that O&S is “right” to examine the way executive decisions are made and that they are “quite comfortable having that oversight body”. They also agreed with the O&S that call-in should not be used incorrectly adding that he would be “unhappy if it was used as a political football”. The main points for the procedure for call-in at authority B is as follows:

- Call-in should only be used in exceptional circumstances
- Members have 5 working days after the publication of a decision to call it in
- The chair or vice chair or five members of the OSMB give notice to call in a decision to the monitoring officer (the Head of Legal and Democratic Services)
- The chair or vice chair of the OSMB determine the reasonableness of the call-in request with advice from the monitoring officer
- The OSMB determine whether a call-in is accepted after meeting those members concerned

- The OSMB may only call-in a maximum of three decisions per three month period
- Urgent decisions cannot be called-in.

Public Involvement in Overview and Scrutiny

The main mechanism for public involvement in O&S in Authority B is co-opting members of the public or representatives of community groups to OSCs. In addition to the 21 non-executive members on the OSMB there are five voting church and parent governor representatives. Authority B O&S Leadership regards the co-optees as the “voice of the public”. However, even though all OSC meetings are open to the public most if not all are held at the main council offices in ‘normal’ office hours.

Authority B Leadership stated that O&S:

“shouldn’t just be an internal exercise where they meet in committee rooms in county hall”.

To this end the ACE department wants to enable community suggestions for O&S topics via the authority’s website and build community engagement into the planning of O&S reviews.

Also members and O&S officers have been meeting with the authority’s Community Engagement Advisory Group (CEAG). As the name suggests the CEAG is made up of various community group representatives who have an interest in improving communication with the authority. Their meetings have

focused on how O&S can improve its engagement with hard to reach and hard to hear individuals or groups.

Authority B Leadership explained that the focus of the unitary authority would be seen to be on the strategic issues facing it, however he stressed that it was “critical” that the authority also focused on the local issues of importance to the public. Therefore the authority has established 14 local committees comprising of a board of ward Cllrs, partners (e.g. the police) and local people and a consultative forum of local people. While not an attempt to replace the district councils this is seen as the new unitary authority devolving executive power to local committees, but no local OSCs have been established to replace the tier of O&S lost with the district councils. Authority B Leadership suggests they are potentially the executive and O&S:

“rolled into one, because they have actually got the power, with the budget to do something about [an issue] immediately”.

As opposed to only being able to make recommendations to the executive or partner organisations.

Authority B O&S Leadership agrees that the local committees have a “scrutiny” element in that the committee will undertake a review of an issue of local concern and be able to take action.

Authority B O&S Management certainly sees the local committees as having the opportunity to provide local challenge, however as to whether that equates to O&S he states:

“if you want to call that scrutiny call it scrutiny with a small ‘s’”.

There would need to be further discussion regarding O&S relationship to the local committees, not least because O&S will have a role in assessing their effectiveness. He envisages a collaborative and tasked based approach rather than a formal structure.

6.3.3 Structure and Mechanism Conditions

The Development of Overview and Scrutiny for the Unitary Authority

Prior to going unitary the eight local authorities in the county had formed member and officer networks to share best practice, raise awareness of local and national issues and to facilitate training and development. The development of O&S for the unitary authority began when the officer network commissioned a project to evaluate the O&S function in using the CfPS SEF⁷. The evaluation was conducted between January and March 2008. Interviews were conducted with chairs and vice chairs of O&S from each authority. Members and officers completed a SEF for each authority and members, leaders (executive members) and other stakeholders, who have been involved with O&S, completed surveys. Data was

⁷ Centre for Public Scrutiny (2005) Self-evaluation framework for overview and Scrutiny in local government <http://www.cfps.org.uk/improvement/20050412-cfps-sef.doc>

collated covering over fifty key lines of enquiry relating to the CfPS 4 principles of good scrutiny. The analysis identified the strengths of O&S and development opportunities. Recommendations were made on a range of issues for consideration by members. The findings and recommendations were as follows (see figures 24 and 25):

Figure 24: CfPS Self Evaluation Findings Authority B

4 Principles of Good Scrutiny	Findings
Provide critical friend challenge	O&S provides public accountability, effective challenge and direct impact on the decisions of the executive.
Reflect the voice and concerns of the public and its communities	The public and its communities shape O&S work programmes and participate in reviews through consultation and dialogue with a wide range of community groups, stakeholders and partners.
Take the lead and own the Scrutiny process	The work programme is Member led. Experienced Members foster a culture of openness, inclusiveness, transparency and meetings are non-political. Call-ins are rare and seen as a sign of weakness. The work of Members and dedicated Officers in the county has received regional and national recognition.
Make an impact on service delivery	The work programme is aligned to corporate priorities. 100% of recommendations, based on evidence and focused on outcomes have been accepted across the County. They make a difference to the lives of public via improved services and policy decisions.

Figure 25: CfPS Self Evaluation Report Recommendations Authority B

Recommendations
<ul style="list-style-type: none"> • Build capacity for and encourage all Members to be involved in O&S
<ul style="list-style-type: none"> • Provide Members with the necessary Officer support and financial resources to undertake effective Scrutiny
<ul style="list-style-type: none"> • Meet the training needs of Members and Officers for ongoing effective Scrutiny
<ul style="list-style-type: none"> • Develop the structure of O&S to reflect the corporate priorities of the new authority
<ul style="list-style-type: none"> • Develop a closer, more formal working partnership between the executive and O&S
<ul style="list-style-type: none"> • Develop procedures to monitor and measure the effectiveness of O&S recommendations
<ul style="list-style-type: none"> • Consider new and innovative ways of engaging with the public and develop the O&S role to provide public accountability in local government
<ul style="list-style-type: none"> • Develop a work-plan to take forward the above issues through the transitional year and into the new authority and across partners
<ul style="list-style-type: none"> • Disseminate the findings of the evaluation to partners and interested parties, locally, regionally and nationally.

These recommendations were then developed into an action plan for the members and officers involved in O&S to address and review during the early months of the unitary authority.

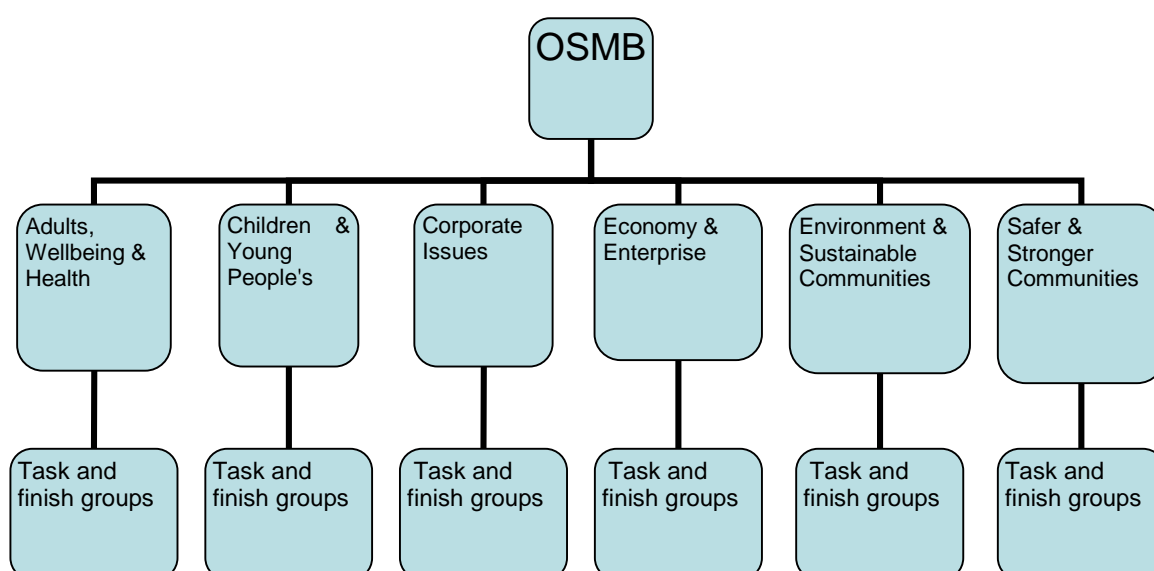
This action plan however was not the only means of developing the O&S function. As Authority B O&S Management explained there were three strands. Firstly, the OSMB had oversight of the Local Government Review (LGR) process and were integral to shaping and forming the O&S function. Secondly, a constitutional working group made up of officers and members looked at proposals to strengthen and enhance the constitution of the authority including O&S. Thirdly, officer groups met as part of the LGR workstreams, which addressed the establishment of the new authority including O&S. One significant change to come from the reorganisation of the authority was that the O&S function moved from Corporate

Services into the ACE department, which is responsible for policy development, performance assessment and community engagement.

Structure of Overview and Scrutiny

In terms of the structure of the OSCs they have retained the OSMB and the sub-committees have been aligned to the LAA themes and priorities of the authority. (See Diagram 6). Noticeably there are now six committees as it was determined that four committees would be too large and that they need a separate committee for corporate issues relating to the functioning of the authority.

Diagram 6: Authority B Overview and Scrutiny Committee Structure



Overview and Scrutiny Work Programme

Authority B O&S Leadership was very clear in his opinion that the non-executive members independently lead the O&S function and therefore set their own work programme (see Figure 26 for examples).

Figure 26: Examples of Overview and Scrutiny Work Programme for Authority B

Overview and Scrutiny Committee	Topic
Adults, Wellbeing & Health	<ul style="list-style-type: none"> • Mental health day services consultation • Action to reduce health inequalities • Transforming social care • Living with Dementia
Children & Young People's	<ul style="list-style-type: none"> • Anti-bullying • Foster Care and Foster Carers • Academies and Building Schools for the Future • 'Think Family' – Surestart, Family Pathfinder
Corporate Issues	<ul style="list-style-type: none"> • Discretionary Rate Relief • Harmonisation of fees and charges • The Budget • Performance Reports
Economy & Enterprise	<ul style="list-style-type: none"> • Understanding the County's Economy –Economic Assessment and Review of Economic Strategy • Housing • Participating in review of business support services • Worklessness
Environment & Sustainable Communities	<ul style="list-style-type: none"> • Waste strategy • Grounds maintenance service review • Winter maintenance strategy • Street lighting public finance initiative
Safer & Stronger Communities	<ul style="list-style-type: none"> • Community Libraries • Anti-social behaviour services, focus on public places/spaces • Social Inclusion • Culture and Leisure

Whilst acknowledging that it is up to members, Authority B O&S Management stated the work programme was “very logical”. The work of O&S, in his view, has to make a difference and add value; therefore the work programme is developed within the context of the sustainable community strategy, local area agreements,

the council plan, the cabinet's forward plan and various other plans and strategies.

They stated that:

"There is no point in Scrutiny doing something that is completely different from the executive..."

Many presentations and meetings were held between O&S and the stakeholders in the above strategies and plans, for example the directors of council services or partners such as the NHS. They highlighted what they considered to be the urgent issues and priorities for possible review by O&S. With the assistance of officers the members of the various OSCs are then presented with a long list of issues and priorities and after discussion and debate develop a short list. Once a consensus is reached in each committee it is considered by the OSMB who will look for areas of duplication, possibilities of cross-cutting reviews and capacity issues before it is then ratified. They are also mindful to leave capacity for the unexpected. For example this authority had to instigate two unforeseen O&S reviews within the first week of the new unitary authority in April 2009. Therefore developing the work programme is about addressing strategic priorities, local issues and managing people's expectations, while being able to deliver within your capacity.

Authority B O&S Management did highlight an issue with individual members influencing the long lists. In their experience they were unable to recall when members have asked to scrutinise a specific issue. Indeed, there is not a process where members can complete a pro-forma as to what they would like on the work programme. Equally there is no direct consultation with the wider public as to what they would like to see reviewed. Although Authority B Leadership has stated the

aim of having an electronic mechanism for community suggestions via the authority's website. Authority B O&S Leadership thought that they have been able to achieve a "good" balance between overview (policy development) and scrutiny (performance). The O&S Manager stated that work programme could be divided between four "domains". Namely:

- Reviewing previous O&S reviews (all O&S recommendations are revisited after 6 months)
- Further in-depth investigations
- Overview of policy (understanding, commenting on, influencing and shaping policy)
- Monitoring performance of the authority and partners.

As well as the balance between these 4 areas the work programme:

"needs to be balanced between...our strategic priorities and creating space for something that is very local."

On this measure Authority B O&S Management said it was "top heavy" towards the strategic.

As we have seen above Authority B Leadership has acknowledged it is for O&S to determine its own work programme, but he stresses that policy development is a very important part of O&S, in that non-executive members have the time, that the executive does not, to become specialists in a subject.

Allocation of Chairs and Vice Chairs

The policy of the majority group in authority B is one where leadership roles, chairs and vice chairs are predominantly allocated to the majority group Members, indeed all bar one vice chair of the OSCs are all from the majority party. Opposition parties are represented on the OSMB for political balance and take the lead on light touch reviews. There are a number of possible reasons for this policy. Simply they are the majority party so they should hold these positions. Also there are significant special allowances attached to these positions so why would they offer them to the opposition? As Authority B O&S Leadership explained there is the question of party politics:

“I’ve got to be sure that they [opposition party members] would not use it as a platform to politicise their own ends.”

Indeed, they pointed out that in one of the former districts the Lib Dems had been the majority party and they did not offer O&S chair/vice chair positions to the opposition.

Authority B O&S Management recognised that this is a political decision. They subscribed to the view of the CfPS that it is best practice for O&S chairs and vice chairs to be drawn from other political parties as it delivers a healthy democracy.

6.4 Key Findings from Authority B

6.4.1 Attitudinal Conditions

- The role of O&S is to hold the executive to account, improve services, support the leadership to achieve its goals and represent the views of the local communities

- O&S should not be a roaring lion threatening the executive
- O&S relationship with the executive has evolved positively
- There was almost 100% acceptance of recommendations
- The unitary authority has 7.5 dedicated officers including one jointly funded by the NHS for health and has a budget of £25,000 p.a. for O&S activities
- Only 40% of non-executive members were involved in O&S at any one time
- In this county the controlling party has always allocated chair/vice chair positions to their own members to prohibit other parties from using O&S as an opposition
- O&S chairs have established a non-political environment in their committees
- The effectiveness of O&S relies upon the participation of members and the value they place upon it
- Effective O&S is that which: makes a difference to the people the authority represents and serves; has SMART recommendations; members led the O&S function and develop the work programme; supported by 'high calibre' O&S officers, is open, transparent and consistent.

6.4.2 Process Conditions

- Call-in was used very infrequently
- O&S needs to improve public participation
- Public involvement in O&S has been primarily through co-option, but it has failed to engage with the wider public

- It is envisaged that a collaborative and tasked based approach could develop with the localised area committees.

6.4.3 Structure and Mechanism Conditions

- The O&S function in two tier authorities reflected the needs and culture of the authorities
- The development of the O&S function for Authority B commenced with the county wide evaluation the O&S using the CfPS SEF
- The structure for the unitary authority has been aligned to the wider strategic role of the authority, i.e. the LAA
- Regular meetings have been established between O&S and executive in the unitary authority
- Non-executive members set their own work programme.

6.5 Conclusion

This chapter has summarised the key demographic and political characteristics of the authority area. Also, by analysing the data from the semi-structured interviews held with the members and officers from the former county and district councils, the unitary council and from relative documents, has outlined O&S prior to and after re-organisation. The thematic analysis has identified key findings focused on the development, structure and resources of O&S, its role, the involvement of members and the general public in O&S, the effectiveness of O&S and the development of O&S for the unitary authority. These findings can now be compared and contrasted with the other case study authorities in chapter 9.

Chapter 7 Local Authority C

7.1 Introduction

This chapter firstly, through analysis of the data from the semi-structured interviews held with the members from the former county and district councils and of relevant documents, will outline O&S prior to reorganisation. Secondly, through analysis of the data from the semi-structured interviews held with members and officers from the unitary council, it will then describe O&S after reorganisation. The analysis is presented thematically in a framework based on Leach's (2009) three conditions for effective O&S namely, *attitudinal*, *process* and *structure and mechanism* conditions. Finally, it will highlight key findings to be compared and contrasted with the other case study authorities in a later chapter and relative conclusions will be drawn.

7.2 Pre Reorganisation Approach to Overview and Scrutiny

NB For this section former district and county Cllrs will be referred to as Member(s).

7.2.1 Attitudinal Conditions

Understanding the Role of Overview and Scrutiny

Based on the experiences of those members interviewed from the former county and district councils the role of O&S is to:

- Provide transparency in decision-making
- Provide checks and balances to the decision making within the authority
- Refine and change the decisions of the council
- Ensure services are delivered properly and to enhance service provision
- Rigorously examine issues

- Find value for money and cost effectiveness
- Ensure outside bodies are delivering services
- Act as a critical friend to the executive
- Act as an honest broker between the public and the executive
- Be the public's guarantor that things are being looked at properly
- Give public confidence
- Add value
- Make a difference
- Improve services.

As a Member said:

"If there's no add on value there's no point to having scrutiny. It's there to make a difference and to improve services and if it doesn't do that well there's no point having it. There's no point just being nodding donkeys and rubber stamping decisions. That's pointless."

Relationship Between the Executive and Overview and Scrutiny

As one member explained a good relationship was essential to the development of O&S:

"You need to have a good relationship so you are not strangled at birth...we wouldn't have got the finance to staff scrutiny."

One member said their good relationship with the executive was based on good communication. They explained:

"We held regular monthly meetings with Authority C Leadership in terms of what their programme was and what ours was."

Indeed communicating the work of O&S in person helped the relationship with the executive according to a district O&S chair. They said:

“When reports went to cabinet, the officer attended, the chair of that scrutiny commission attended, I attended, any member of the commission could attend as well at the cabinet meeting to enforce the findings of the commission on a particular subject or matter.”

One district member described the relationship as a “good cooperative relationship”. It was predicated on an independent O&S function, but they would conduct research on behalf of the executive to develop policies for council. They explained that they would challenge the executive, but:

“we weren’t trying to trip the (executive) up.”

As another member said it was essential too that the relationship was friendly and constructive. They said O&S should be:

“a critical friend, rather than just the critics.”

The former county member said the relationship was “fine”, however their opinion was that executive members:

“weren’t up to speed with their brief. So you had officers answering questions in scrutiny. Really you’d be expecting executive members to be answering the questions.”

Member Involvement in Overview and Scrutiny

Member involvement in O&S across the county was generally “good”. However with regard to member capacity one stated that O&S put:

“a big workload on members. It’s not just the meetings it’s the working groups you’ve got to attend. You’re talking about a lot of meetings.”

Another suggested that member’s occupations and ability to travel affected their participation in O&S. They said O&S was:

“a daytime activity... I would hate to do it at night. You’re driving 30 odd miles to (county hall) and 30 odd miles back. You want to do that in the day anyway. You’re tired at night. It’s really to do it properly. It’s people who are retired or haven’t got a job... anything else they would have to pay a full-time wage.”

The authorities did make special efforts to maximise member participation. For example one district’s O&S function was so dominated by one party because of political balance they actively:

“tried to maximise opposition Members on each of them ...to be seen to be fair and accessible”.

Also efforts were made to raise the profile of O&S and make it more attractive to members. One district authority ensured that O&S members received the same special responsibilities allowance as the portfolio holders. The member said this was important as it was:

“parity of status for them. I think that was a message that was loud and clearly heard across the authority that there was a parity of esteem.”

Officer and Financial Resources

The members generally expressed the view that dedicated officer and financial support was needed if O&S was to make a difference. As one district member stated:

“If you put resources into anything and take it seriously it works. If you just pay lip service, well it doesn’t really work, does it?”

The officer and financial resources available to O&S varied across the authorities. The former county council had good officer support either from dedicated O&S officers or from democratic services. The 4th option district councils found securing officer support the most difficult. One member said they only had an officer for 8 hours per week as there:

“wasn’t that sort of finance around to provide scrutiny officers.”

Another said:

“There were moves to have scrutiny officers appointed, but it was always resisted by the controlling group on the grounds of efficiency and cost, value for money.”

In another authority the situation was better:

“We had 0.5 officer support. There was no specific budget for scrutiny, but we didn’t find that a problem because whatever we wanted and needed it was provided.”

Two of the larger district councils fared better than the others. One had 2 full-time officers and an assistant and another, from an initial starting position of no dedicated officers, enjoyed:

“for the last four or five years... a scrutiny performance manger, two scrutiny officers and a PhD Student”.

Non-political Overview and Scrutiny

Members were in general agreement that O&S was operating in a non-political manner. They recognised that members were influenced by politics, but aimed to come to a consensus on recommendations. As one member said:

“certainly at the management board ...it was relatively confrontational, but it was not political in the decisions. Recommendations were not political at all.”

Another said that a consensual approach was the norm in their council as it had always been a hung council and:

“the political groups were always comfortable with working with each other”.

Two members indicated that a team dynamic had emerged in O&S. They said:

“For the 10 years we operated I think members were absolutely superb and have been apolitical ... and have always been together as a team.”

“We did all actually work as a team even though we were from different political parties. It was actually something that happened naturally. I think we were all fighting for the same things. All for improving things in the borough.”

Effectiveness of Overview and Scrutiny

The members varied in their opinion as to how effective O&S was. As one member said:

“Well that’s a difficult question... all scrutiny can do is make recommendations for the executive to consider and if they except recommendations made by scrutiny. Then yes, they can have a beneficial effect.”

In contrast one member was very disappointed with O&S. They said:

“Quite frankly...we were totally toothless. We were going there and the decisions were made before we were there anyway. We did influence a little few things, but I think it was a paper exercise rather than people really doing anything. I found it very disappointing actually.”

7.2.2 Process Conditions

Call-in

They were very few instances when call-in was used in the county. The prevailing view that call-in should be used infrequently as not to damage the relationship with executive and to only use it when the call-in would be successful. As one member said:

“we didn’t call-in a great number of decisions, but those we did were implemented and the funding was there to implement them. If you’re forever calling things in you disrupt the council altogether. Nothing ever gets done.”

Public Involvement in Overview and Scrutiny

Members had a varied experience of engaging with the public. A member expressed the view that public engagement was part of successful O&S. They said:

“If it it’s done properly it actually gets a lot more public involvement. A lot of the scrutiny was carried out by the officers and members themselves with visits in the community on the specific subject that was being scrutinised, i.e. allotments was a big thing ... because it was a popular thing... and parking”

O&S meetings were open to the public and as a member said:

“We didn’t just stay in the council chamber. We went out to the public and met with them.”

Another emphasised the importance of public engagement to O&S saying that:

“The first proper scrutiny review that we did was on kerbside recycling...we co-opted onto that group a group of the residents who had responded to the pilot who were concerned about it.”

Indeed it was argued that public engagement was a priority for O&S. A member explained that:

“Had we (the district council) continued we would have been looking very much to do much more scrutiny at a community level ...scrutiny has to get out more and be the public face of the council...they really need to be the public challenge to the authority so the public can see that things are done correctly and have some confidence in what’s happening. I think that’s scrutiny’s real role.”

Members gave examples of O&S reviews that they described as ‘good’ this was because of the thoroughness of the process, the recommendations made or the extent to which the public were involved. They were:

- Late night shopping survey
- Leisure facilities survey
- Flooding
- Kerbside recycling
- Local health services
- Allotments

- Car parking.

Finally, it was thought that the area boards and the community forums proposed in the unitary bid would be an opportunity for O&S to engage with the public at a local level, however there was little understanding of how the boards and forums were to function let alone their relationship with O&S. The 3 area committees cover huge geographical areas bigger than the former district councils and the community forums are of varying sizes. As a member explained it was unknown as to whether they would have:

“devolved power, any devolved budgets or as far as I’m aware scrutiny functions at this moment.”

7.2.3 Structure and Mechanism Conditions

The Development and Structure of Overview and Scrutiny

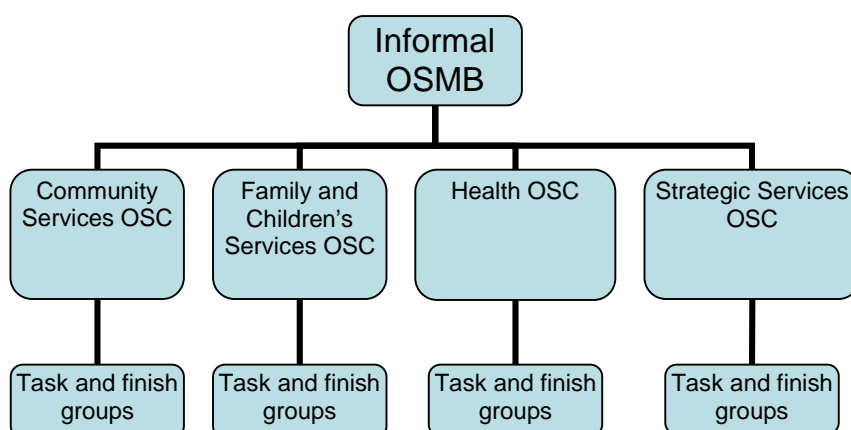
In this county four of the seven authorities adopted Authority C Leadership and cabinet model of the new political structures and the remaining three chose the 4th option. The structure of O&S committees varied across the county and district councils reflecting the size of the authority their authorities services departments and other interests and responsibilities (see diagram 7). For example:

- All of the larger authorities had a management board made up of the chairs and vice chairs of the OSC
- Most authorities had 3 or 4 committees or panels, which were collated into themes often reflecting the service departments and or their priorities

- Given the relative size of the 4th option councils they divided O&S into two OSC
- All used time bound task and finish groups to conduct in-depth or light touch reviews on specific topics
- None of the authorities had divided their O&S function into separate scrutiny and overview committees.

Diagram 7: Examples of Overview and Scrutiny Structures from Authority C Prior to Unitary Status

Former County Council



Former District Council

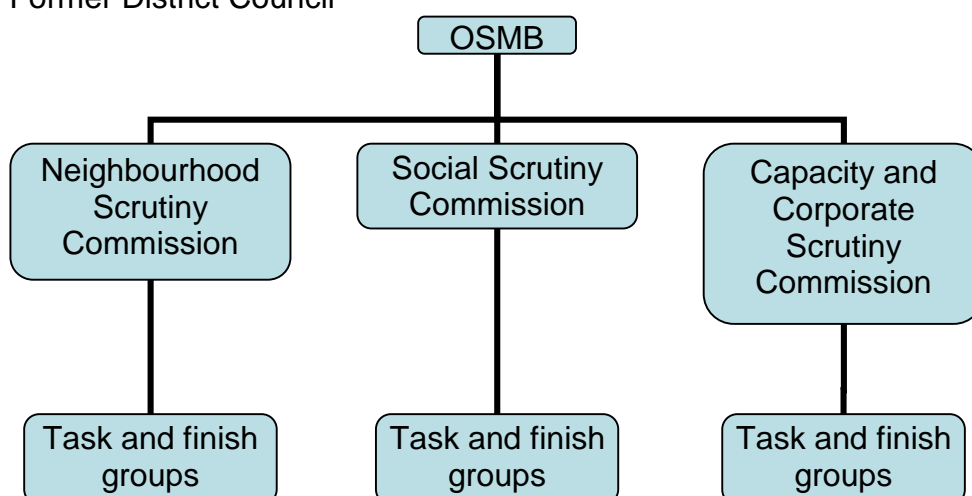
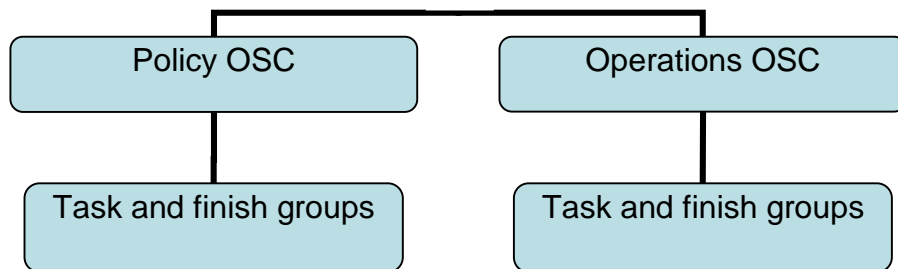


Diagram 7: Examples of Overview and Scrutiny Structures from Authority C Prior to Unitary Status continued

Former 4th Option District Council



Interestingly, one of the district councils had piloted the new political structures. As the member described:

“We started with initially just two big scrutiny committees that involved everybody that wasn’t on the executive. One looked at internal affairs and the other looked at partnerships. That was very very cumbersome... we ran with that for about 12 months... had a review of the process and ... came up with a (sic) overview and management board and underneath two review commissions”.

Significantly this authority and one other in this area chose to use the term commissions rather than committees, perhaps in an attempt to break the link to the old committee system.

Allocation of Chairs and Vice Chairs

The allocation of chairs varied across the county. For, example:

- The former county council allocated the chairs to the opposition parties
- In a district the ruling party chaired the 3 OSC and the main opposition party were given the 3 vice chairs
- In another of the districts they had no opposition chairs despite the efforts of the O&S chair.

On the latter example the member explained:

“No they were members of the controlling group, which I argued against and said at least one of those commissions should be members of the opposition, but I couldn’t get that through my own group.”

The Preparation of Overview and Scrutiny for the Unitary Authority

Members had varying views on the creation of the unitary council. Some of them opposed it while others were in favour, including district Cllrs. One specific issue was the geographical size of the authority area and the individual wards. A district member said:

“The reason I didn’t stand (for the unitary elections) was I felt I couldn’t do the job properly because I would have to do (the member named villages in their ward) and all the outlying farms and rural areas and I just couldn’t do it properly unless you were full time.”

Another added it:

“is a huge county and its population is so spread out. We... are very isolated. We live 60 miles from (county hall) and we feel that is a disadvantage because we are so far away. And I hear that people that live on the far west side... feel the same way as well, because they feel they are too far away from the centre of what’s happening.”

Therefore there was a concern that the unitary council would lose many experienced O&S members because they would be unwilling or unable to travel to county hall. Also a significant number of sitting county Cllrs had been deselected because of internal party rules (i.e. Labour’s all women shortlists) or the desire to have new members. As a member explained:

“a lot of people who are good councillors... are not able to stand for the county council. And there are some good councillors who have been thrown on the scrapheap because of the unitary as well.”

As described above (see Chapter 4 Methodology) during the final year of the two-tier structure an IE had been established to oversee the implementation of the new unitary authority. A joint OSC to scrutinise the decisions of the IE was also formed from district and county O&S members. One member said that they were:

“very keen that we did take part because there was a lot of experience there from across the authorities at both county level and district level. We wanted responses from different kinds of communities. And it was a good mix of the political make up of the districts and county and a good mix of the politics, pretty much level actually.”

Perhaps most significantly they wanted to be involved because:

“the county council do scrutiny very differently from the way we do it.”

District members described their experience of O&S at the county council as follows:

“They do it much more in terms of examining reports of the executive. Now I think that’s a way to kill member enthusiasm dead.”

Another favoured their:

“professional way of working... when we went to the county council I thought it was absolutely dreadful.”

Another said of the county council:

“they don’t have a good history of doing reviews of policy and procedures ...they tend to be very inward looking. Lots of navel gazing and pouring over the meaning of words and things”.

District members therefore saw the creation of the unitary authority as an opportunity to change O&S at the county level. As a district member explained:

“despite the obvious misgivings about a single unitary council I thought any change had to present a real opportunity to do things very differently. And so we held a couple of workshops to look specifically at the new structures... and we recommended that they concentrated on community scrutiny. With such a big council one of the ways of keeping closer to different communities was by doing scrutiny at that level.”

District members were particularly concerned about O&S in the unitary authority being properly resourced as O&S would have O&S of council strategy, localities and partnerships as well as considering petitions. They were worried that there was going to be a repetition of the situation when the Local Government Act 2000 came in. As a member explained:

“Everybody first of all concentrates on the executive, everybody wants to be on and it’s what the officers put the most resource into supporting. Then when they think they’ve that sorted out they do something about scrutiny. And it’s only if you have really strong people who are genuinely committed to scrutiny, who don’t just do it because they they’re not on the executive. It’s not a consolation prize.”

Priorities for Overview and Scrutiny in the Unitary Authority

The members’ views as to the priorities for the unitary council fell into two strands; issues relating directly to O&S and those policy and service areas that needed to be addressed. Those for O&S were:

- Specific training for the O&S members at the new council as many had little or no experience of O&S at a county level
- The development of the community forums and area boards
- Community based O&S
- The development of petitioning
- Improving the level of support to O&S
- Ensuring all available members participate in O&S
- Getting vibrant and interested chairs of O&S rather than just making political appointments
- Keeping O&S independent from the agenda of the executive
- More public involvement
- O&S meeting outside of county hall.

The policy and service areas were:

- Investigations into how the authority is meeting its targets
- Different working practices
- Housing strategy
- Car parking
- Consolidation of fees
- Staffing levels
- Waste collection
- Localism
- The parish councils and town councils relationship to the unitary authority
- Community based health and social care

- Education
- Social services.

7.3 Post Reorganisation Approach to Overview and Scrutiny

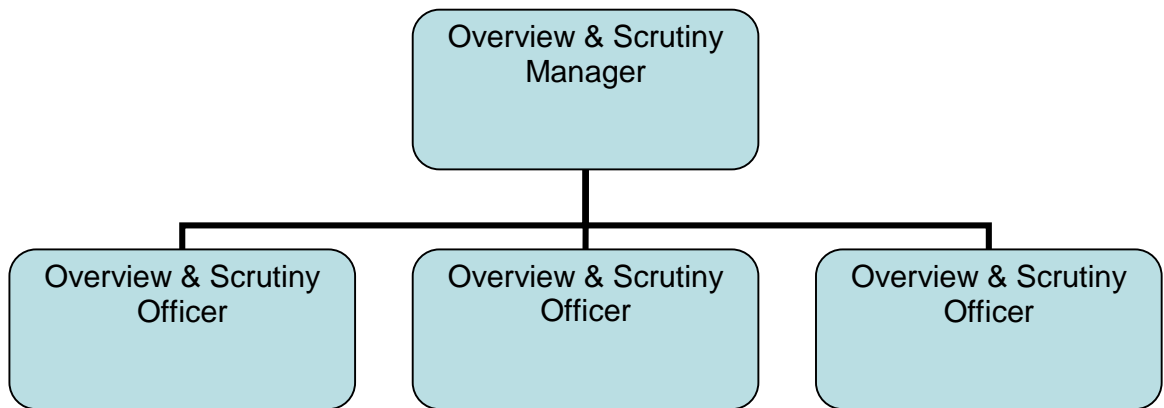
7.3.1 Attitudinal Conditions

Resources and Officer Support

Authority C O&S Management reports directly to the Head of Democratic Services and their role is to support members, manage the dedicated O&S officers, manage projects and is a lead officer on an OSC. Authority C O&S Management summarised the support for members:

- It is part of democratic services and within the performance directorate
- There are now four officers including the manager (see diagram 8) from the former county and districts (the former county council only had one dedicated O&S officer)
- Officers have direct experience of O&S or democratic services
- Each O&S officer is responsible to an OSC and will be rotated after 12 months
- They are developing closer relationships with the policy officers
- There are no dedicated link officers, but O&S officers link with relevant officers in service directorates depending upon the issue
- The director of corporate services is the overall monitoring officer for the authority
- There is no discretionary budget for O&S.

Diagram 8 Authority C Overview and Scrutiny Officer Structure



However the support for members is already under review. Authority C Chief Officer stated that officer support for members is:

“clearly an area that is going to come under pressure...we have got to cut the corporate centre to protect front line services...”

The Role of Overview and Scrutiny

The role of O&S as experienced by those interviewed can be summarised as follows:

- Examining and holding the executive to account
- Holding outside bodies to account
- Developing policy for the council
- Ensuring policies are valid
- A critical friend
- Making a positive contribution to the council’s business
- Making sure decisions are fair
- Making sure processes are followed
- Making recommendations

- Examining and scrutinising decisions
- Highlighting errors
- A mechanism of engagement with the wider community.

Relationship Between the Executive and Overview and Scrutiny

In terms of O&S relationship with the executive Authority C O&S Leadership highlighted that:

- A representative of the executive attends all O&S meetings
- The chair of O&S attends cabinet
- They have ad-hoc meetings with portfolio holders
- They meet with senior officers to discuss issues.

However they expressed the opinion that the relationship had declined from that with the previous administration. It had a large majority and it would have been understandable if they did not pay attention to O&S, however:

“the executive members then were very good at attending scrutiny meetings and actually presenting what they had done, not just policies but what they had actually done as executive members”.

This contrasts with the current minority. Authority C O&S Leadership explained:

“You would have expected that they would have engaged with the scrutiny process more to try and get consensus across the council, but actually the opposite has happened.”

They added that by not engaging fully with O&S they are missing the opportunity to:

“build up consensus because scrutiny is the one area where it is really supposed to be non-political...and if you are trying to create a consensus within a council it is an ideal way to do that. To have conversations about outcomes of the council and to have conversations about policies in a non-political environment, you would have thought that that would have been attractive, but it doesn’t seem to be to the present administration.”

Therefore they feel that O&S is not being asked enough to make a sufficient contribution to the work of the council.

Authority C O&S Management described the relationship as “good”. The new administration is more aware of O&S having had experience either as executive or non-executive members with the former district councils. Executive members are invited to and attend OSC meetings and a representative of the executive attends all the OSC meetings, which helps resolves all the issues with the executive.

Authority C Leadership agreed that the relationship was good and thought that they work well together. However the O&S Manager questions whether the way that O&S operates is out of genuine concern over a policy/decision or whether it is a “delaying tactic”.

Authority C Chief Officer stated that the legislation that created an independent O&S function from the executive was flawed and created difficulties. In their view O&S cannot be independent as it is:

“part of the council, it’s part of the organisation.”

In their view O&S is:

“backward looking... it makes people have inquests and apportion blame for things that have gone wrong and that’s not conducive to the effective working of the local authority...it divides people rather than brings them together”.

Indeed they thought that scrutiny of the executive would be better done by an external body. They also commented on the amount of time senior Managers are involved in the O&S process. There is:

“too much scrutinising of the officers and not enough scrutinising of the executive members...there is a danger in that it becomes very like a star-chamber sort of approach and not that productive...it’s potentially damaging to relationships between the senior managers and members”.

Recommendations

Authority C O&S Leadership’s experience was that under the previous administration few recommendations were made, but were taken seriously. However in the early days of the new administration O&S is not being taken seriously.

Authority C O&S Management said the chairs of the OSC present the reports to the executive, recommendations are listened to and normally agreed. A monitoring report is checked six monthly to see if the executive has implemented the recommendations.

The Authority C Leadership said that recommendations are accepted or rejected depending upon the issue; it may be because of a lack of funds, or because Authority C Leadership do not agree with it.

Member Involvement in Overview and Scrutiny

The O&S function in Authority C had only been operating for six months under the present structures and the O&S Leadership suggested that there are not sufficient members involved in O&S and, as there were only 67 members (less the executive) available.

The O&S Management also questioned the capacity of members as they met at least monthly for O&S and with their other roles and responsibilities could be stretched at times.

However Authority C Leadership said there were enough members to do O&S:

“There is a good general mix of the membership who participate in scrutiny”.

The Chief Officer agreed there are enough members to do O&S scrutiny and questioned their lack of capacity stating that members:

“have created a lot of work for themselves... if anything in this council scrutiny has been a growth area in the last year in terms of the levels of activity”.

Indeed, they criticised members for:

“spending a lot of time not doing the right things”

explaining that members were:

“too backward looking and too detailed” with a “tendency to get into a lot of detail at scrutiny which I don't think is always particularly productive and they are straying into operational issues”.

Subsequently the Chief Officer was not convinced that O&S was adding value and would rather members stopped being scrutineers and be policy makers; suggesting a structural split between overview and scrutiny is required.

The O&S Leadership highlighted that the elections for the unitary authority returned many new Cllrs with experience of being a district Cllrs with:

“a narrow view of the responsibilities of a unitary councillors”.

Authority C Chief Officer explained that most of the Cllrs are former district Cllrs as the former county Cllrs either did not get elected or they got de-selected. Therefore they said that:

“we have a district council mentality in a very large unitary...you can't run this organisation in the way they ran the district councils... the biggest district council last year... had just over 300 employees... the unitary has 16,000.”

They also thought that as some of the new members were former executive members from the district councils the O&S role:

“is a bit foreign to them...that’s not a criticism that’s just a time thing, a learning thing”.

Indeed in the in the view of the Chief Officer the Local Government Act 2000 had introduced conflicting and contradictory roles for all members. Adding that:

“The role of the constituency member and scrutiny does work well together, but then actually when you put the executive role on the top of that and the party role I think it is very difficult for members to wear all those hats at the same time.”

Political Balance and Interaction

Political interaction between the parties does arise, for example, at the time when chairs/vice chairs are appointed in line with the political balance of the authority.

The experience of Authority C O&S Leadership is that O&S:

“does try to be fair and on a non-political basis”.

Authority C Leadership confirmed that party politics is generally kept out of O&S, but does “creep in” on occasions.

The O&S Management said the change from a previously majority controlled council to a minority administration means that politics play a great part in O&S. However, this had a positive outcome in raising the profile of O&S within the authority. Authority C Chief Officer’s view was they thought that O&S is:

“rather too political... I think that some of the things that are being done through scrutiny at the moment are questionable in terms of their value to the community, they are slightly more politically motivated.”

Adding that party politics inevitably becomes more overt at election times, but usually dissipates afterwards.

External Overview and Scrutiny

Authority C O&S Leadership and O&S Management both acknowledged that the unitary authority needed to develop O&S of outside bodies, especially with partners such as the NHS.

The Effectiveness of Overview and Scrutiny

The members and officers all expressed conditions or barriers to effective O&S.

Authority C O&S Leadership said that:

- O&S requires dedicated officers able to do research.

O&S Management said that:

- O&S would be more effective if people knew what O&S is
- Officers regard O&S as a court to explain yourself to
- Officers feel that they work for the executive and not for O&S
- O&S agendas are too long
- O&S needs to get out more into the localities, i.e. out of county hall
- There should be more regular meetings between the O&S chairs and the executive.

The Authority C Leadership said that:

- Good O&S requires a lot of time

- There should be less reliance on the attendance of the portfolio members
- O&S and the executive should be completely separate
- Shorter agendas would be more productive
- There should be more topic and time focused working groups.

Authority C Chief Officer said that:

- Members find it “incredibly difficult” to be non-political
- O&S should be aligned to the direction of travel of the organisation, the main themes of the community strategy and align the work programmes to the business planning cycle e.g. budgets and key milestones throughout the year
- O&S should look forward rather than exclusively back.

Overview and Scrutiny: The Lion that has failed to roar

Authority C Leadership agreed with the minister, but said that:

“the lion could roar a bit louder”.

The Chief Officer also agreed, but also queried whether it was a lion in the first place. The O&S Leadership thought that the former minister had a “dim view” of O&S, suggesting that John Denham did not understand the function of O&S.

The O&S Management thought that O&S has come a long way and has made significant changes. The government has gradually given more powers to O&S although did not back this up with resources. O&S does have more of a profile

now within the authority, however this could be due to the political interaction between parties making O&S more visible rather than any purposeful promotion.

7.3.2 Process Conditions

Call-in

The O&S Leadership's view of call-in is that it can be used effectively; however the threat of call-in is probably more effective than the practice. The O&S Management re-called they only had two call-ins in the former county council. The main points for the procedure for call-in at authority C is as follows:

- Call-in should only be used in exceptional circumstances
- Members have 5 working days after the publication of a decision to call it in
- Any member of an OSC (whether a Cllrs or not) has the right to request the chair of the OSC to call in a decision
- The chair of the OSC decides to whether to call in a decision
- The monitoring officer (the Executive Director of Performance) calls-in decisions at the request of the chair
- The council may limit the subjects of call-in
- Urgent decisions cannot be called-in.

Public Involvement in Overview and Scrutiny

The O&S Leadership at this authority said that:

“we try to use scrutiny as a mechanism of engagement with the wider community... that we think is quite important”.

They gave two examples of successful public involvement. Firstly, the county had recently been affected by flooding and the county and district councils had held public O&S meetings to consider the flood action plan that the county council had written. Secondly they had held public meetings to collate a countywide response to the post office closure programme. They were particularly successful because there was:

“a two way flow of information from the public back to the council and from the council to the public.”

Authority C Chief Officer said the unitary bid was very much around:

“devolving decision making, closer to the customer”.

Subsequently three area boards, which are made up of members from that particular area, have been created. The O&S Leadership said specific items are taken to the area boards and looked at in detail, therefore the area boards:

“are places for local dialogue and service delivery”.

However if there are wider implications for the whole authority they are fed back to the OSMC and reported to the executive. Alternatively, O&S may refer local issues to the area boards. Therefore, the area boards are independent of O&S, but have a close working relationship with them. Area OSC were considered, but it was decided there would be a capacity issue for members. Also, as Authority C Chief Officer explained, underneath the area boards 27 community forums will be established:

“creating other opportunities for Members to get involved in the democratic process and to draw citizens into the processes”.

However O&S relationship to these community forums is to be determined, but may also be a means to refer issues to the OSMC. According to the O&S Leadership what is certain is that:

“O&S at the unitary level will be strategic, but local issues will still need to be addressed...what may be missing then is that there may be not enough scrutiny function at the more parochial levels”.

7.3.3 Structure and Mechanism Conditions

The Development of Overview and Scrutiny for the Unitary Authority

The authority had only been in operation for six months under the present structures, therefore O&S was just developing in the authority. The O&S Leadership's view was that:

“the degree of planning before the unitary council started was (on the) shallow to poor side”.

The Chief Officer said that the development of the authority and therefore O&S was like:

“a three legged stool: structure, process and culture...structure and process comes quite easy...culture is a longer term process.”

And likened it to:

“welding seven different organisational cultures into one ...takes some years”.

The O&S Management explained that during the transitional period (from the May 2008 elections to April 2009) they met with the districts to consider arrangements for O&S. They asked the districts what work they thought should be carried over to

the new unitary authority and only three topics were put forward. The most significant was in terms of the structure of O&S. It was suggested that O&S mirrored the creation of 3 new area boards by establishing area OSC, however they were not to materialise.

Structure of Overview and Scrutiny

The structure of O&S at authority C (see diagram 9) has an Overview and Scrutiny Management Committee (OSMC), 4 OSC and sub-committees/task and finish groups when required. The OSC are aligned to the broader strategic themes rather than to functional areas, i.e. the sustainable community strategy and the LAA. The OSMC is made up of the chairs and vice chairs of the 4 OSC, other specialist Cllrs and is chaired by the opposition. It has only recently come into being and manages O&S business by:

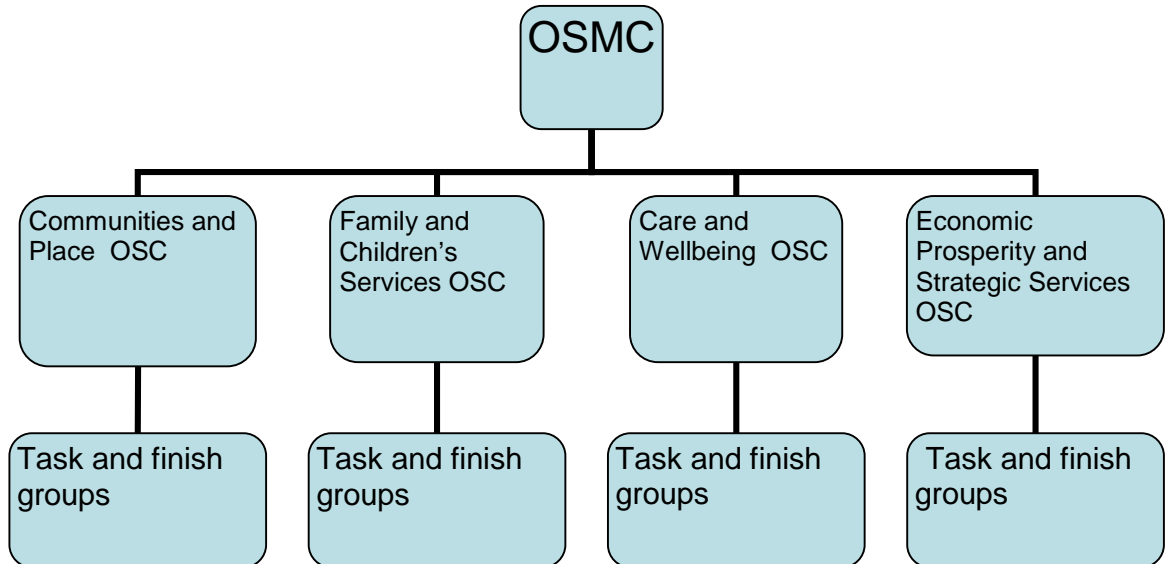
- Distributing work to the OSC
- Receiving petitions, recommendations from other OSC, instructions from the executive and call-in requests
- Overseeing the CAA, LAA, performance management system and the general functioning of the council.

Overview and Scrutiny Work Programme

The work programme at Authority C is a six month rolling programme determined by members and co-ordinated by the OSMC. The OSMC looks at the forward plan on a regular basis and tries to align their work to it. Members are asked for items for consideration for the work programme and the executive have input by

requesting topics to be considered for pre-scrutiny (policy development). O&S also has on its agenda any major consultations and important issues relating to the

Diagram 9: Authority C Overview and Scrutiny Committee Structure



authority as a whole (see Figure 27 for examples of O&S topics). From the perspective of the executive most if not all of the OSC have far too full an agenda on occasions in order to do justice to their particular role:

“It’s pointless having a dozen items on the agenda and having a lengthy meeting if you are going to spend two or three hours in a meeting...”

This view coincides with the CfPS which advocates selecting narrow topics to go in depth (CfPS, 2004a). However they acknowledge that the executive should not exert influence on the work programme and that the executive and O&S be completely divorced. Authority C Chief Officer said with regard to the choice of topics for O&S that:

“I would like them to be looking at ...how we can sustain the council and the county through the next few years and they are not really doing that...we are not using the member or the officer resources to best advantage...I think and we are not using their experience, they are kind of on the ground long term experience of living and working in (the county)”.

The O&S Management said that O&S in the former county council has traditionally been post decision scrutiny and they wanted to move more towards pre-scrutiny of decisions and policy. Indeed, the O&S Leadership estimated that only 25% of the work programme concerned policy development. The Chief Officer agreed that there should be more policy development. In their opinion O&S started in a rather too adversarial way focusing more on scrutiny than overview reflecting that the model for O&S was the parliamentary select committees. They advocate that:

“scrutiny is much better when it’s forward looking than it is when it’s backward looking. There has to be an element of retrospective work, but actually it’s much more productive when it’s adding to the development of policies and strategies rather than raking over why things went wrong...we need to shift the balance slightly towards more forward looking strategic stuff for them to add more value.”

Figure 27: Examples of Overview and Scrutiny Work Programme for Authority C

Overview and Scrutiny Committee	Topic
Family and Children’s Services	<ul style="list-style-type: none"> • Home to School Transport • Surplus places/decline in school numbers • Climbie Audit Report • SEN Provision
Communities and Place	<ul style="list-style-type: none"> • Flood Action Plan • Mobile Library Services • Climate Change Action Plan • Customer Service Performance
Economic Prosperity and Strategic Services	<ul style="list-style-type: none"> • Facilities Management • Procurement • Regeneration • Tourism
Care and Wellbeing	<ul style="list-style-type: none"> • Carers Strategy • Supporting People Action Plan • Emergency Care Project • Quarterly Performance Review

Allocation of Chairs and Vice Chairs

The chairs and vice chairs of committees are decided by the full council. O&S chairs are appointed from the opposition as in line with previous practice. In the shadow authority Labour held all of the O&S chairs whereas in the unitary authority they are held by the Conservatives bar one Labour chair.

7.4 Key Findings from Authority C

7.4.1 Attitudinal Conditions

- There were cultural differences between district and county council O&S
- There was a desire to reshape the O&S at the county level to reflect how it was undertaken in the districts, but this appears not to have happened
- The dedicated officer support has quadrupled compared to the former county council, but the corporate centre of the authority is going to come under financial pressure including support to members
- There are conflict views on the relationship between O&S and the executive. It appears to be less close than with the previous leadership.
- The chair of O&S attends cabinet
- Other than a representative of the executive few executive members take up invitations to attend O&S; rather officers attend on their behalf
- Members retain all the responsibilities of the former district and county Cllrs, but their numbers have reduced. Therefore there are questions over the capacity of members to fulfil their many roles
- Effective O&S requires dedicated officers able to do research; O&S should be aligned to the direction of travel of the organisation, the main themes of

the community strategy and align the work programmes to the business planning cycle e.g. budgets and key milestones throughout the year; O&S should look forward rather than exclusively back.

7.4.2 Process Conditions

- O&S needs to improve public participation
- Locality arrangements and their relationship with O&S is to be resolved.

7.4.3 Structure and Mechanism Conditions

- The chief officer advocates a structural split between ‘overview’ and ‘scrutiny’ so members can dedicate themselves to a particular role
- A representative of the executive attends all the O&S meetings and reports anything that may be of interest to the executive
- O&S should have a stronger policy development role and there are too many items on O&S agendas and they are going too in-depth on issues
- There should be more regular meetings between the O&S chairs and the executive
- There should be more topic and time focused working groups.

7.5 Conclusion

This chapter has summarised the key demographic and political characteristics of the authority area. Also, by analysing the data from the semi-structured interviews held with the members and officers from the former county & district councils, the

unitary council and from relative documents, has outlined O&S prior to and after reorganisation. The thematic analysis has identified key findings focused on the development, structure and resources of O&S, its role, the involvement of members and the general public in O&S, the effectiveness of O&S and the development of O&S for the unitary authority. These findings can now be compared and contrasted with the other case study authorities in the following chapters.

Chapter 8 Local Authority D

8.1 Introduction

This chapter firstly, through analysis of the data from the semi-structured interviews held with the members from the former county and district councils and of relevant documents, will outline O&S prior to reorganisation. Secondly, through analysis of the data from the semi-structured interviews held with members and officers from the unitary council, it will then describe O&S after reorganisation. The analysis is presented thematically in a framework based on Leach's (2009) three conditions for effective O&S namely, *attitudinal*, *process* and *structure and mechanism* conditions. Finally, it will highlight key findings to be compared and contrasted with the other case study authorities in a later chapter and relative conclusions will be drawn.

8.2 Pre Reorganisation Approach to Overview and Scrutiny

NB For this section former district and county councillors will be referred to as member(s).

8.2.1 Attitudinal Conditions

Understanding the Role of Overview and Scrutiny

Based on the experience of those members interviewed from the former county and district councils the role of O&S is to:

- Provide the check and balance on the work of the council
- Hold the executive to account
- Question
- Examine

- Make recommendations
- See fairness
- Make sure the decisions been are well thought out
- Allow members to express their view
- Overcome the democratic deficit caused by the creation of the executives.

Relationship with the Executive or Policy Committees

Of the former councils that had executives the experience of the members differed. One described a co-operative relationship where the cabinet and O&S worked closely together. The member said that the cabinet would:

“often come to us to look at their proposals and (we would) comment on them in advance of them being put forward to cabinet... we play an integral part of the development of many policies...others we look at their proposals before they are signed off...by the cabinet”.

Another said:

“We had our moments. With scrutiny you don’t expect to be liked all the time do you? I think we thought they were fair and they thought we were fair.”

Another described the relationship as being one where O&S and the executive appeared not to want to engage each other. They said that:

“It was actually quite difficult to get executive members to attend. Actually scrutiny, as far as I could tell, seemed to be perfectly happy with that. They were quite happy to chunter along in their own meetings without actually directly challenging the executive. The recommendations that were accepted tended to be the non controversial ones... rather than the any serious challenge.”

Member Involvement in Overview and Scrutiny

Member involvement in O&S across the county was generally good with majority and minority parties participating. The time and frequency of O&S activity varied according to the council and the subject. For example, some authorities predominantly held O&S meetings during the day to maximise attendance from officers and those giving evidence, whereas public meetings were held in the evenings. With regard to member capacity district members were of the opinion that they spent more time fulfilling their role compared to the county Cllrs. One member said:

“there’s always been a difference between county Cllrs and district Cllrs. district Cllrs tend to do an awful lot of local, small scale paperwork, which county Cllrs didn’t. Now that paperwork can take hours and hours and hours... I would have thought we’re looking more at 32 hours a week”.

A member added that:

“some of the people who have been county Cllrs will find it something of a challenge because they have not given that amount of time.”

Indeed Members were anticipating that unitary members would now be committing more of their time to their role and not just for O&S. A member stated that:

“it’s almost going to be a full-time role and most of my colleagues would agree with that”.

This increasing demand on members time would be exacerbated by the time spent travelling to meetings in the different parts of a large rural county. As one member explained:

“somebody from the far south of the county driving to the north of the county is going to have a journey of at least an hour and a quarter, an hour and a half, that’s both ways. That’s 3 hours before they even get to the meeting. I think it’s going to be a challenge.”

Officer and Financial Resources

The officer and financial resources available to O&S varied across the authorities.

The experience of members was that the county council and any joint O&S had good support from officers and, as one member stated, was:

“well resourced with a very effective head of scrutiny officer, who is just scrutiny...in the districts the scrutiny officers tend to be doing other jobs as well.”

District members said they had only “part-time” officer support via democratic services and that this effected the functioning of O&S. As one district member said:

“The main problem was it was under resourced from an officer point of view. So we didn’t have a dedicated scrutiny officer, who were themselves trained in scrutiny. And it was always rather underfunded.”

However the Member from the largest district said that officer and financial support was good:

“We weren’t restricted in any way on what resources we needed to go to somewhere. We never had no (sic) difficulties.”

Non-political Overview and Scrutiny

The majority of members described O&S as non-political. They acknowledged that politics influenced them as individuals and party members, but endeavoured to reach a consensus in their work. Members said:

“They are local politicians. They are all going to be thinking of their group aren’t they? It’s always in the background.”

“It’s obviously political because it’s local government, but it’s non party political in the way we carry about our work.”

“It’s totally none party political in terms of the business of carrying out our work of scrutiny”.

“Scrutiny can start to get a little bit political... you have to rise above it, but I wouldn’t say that it was unhealthy.”

“Sometimes politics does come into it, especially before the election or just after.”

However, member’s experiences were not all positive. One said that O&S was political. They described it as a:

“fairly second rate process in it was much more political than it ought to have been”.

Another member said:

“it was intended to be non-political, but I think the members made it political”.

Effectiveness of Overview and Scrutiny

Most members believed that O&S ultimately made a difference. One member said that:

"It did make a difference because it was there and it was used as a means of correcting any policy or any function that might have been overlooked by the council."

Another added that:

"The result of the... task groups... will influence the lives of the people in the end because they'll influence the way services are delivered."

One member had a more mixed view of the effectiveness of O&S. They thought that O&S did not use the time available to it effectively, saying that:

"Some of it was a waste of time. Some meetings you used to go to and some task groups you think, well, really half an hour was enough to sort it out".

However they were confident that when significant issues were addressed O&S was effective. Adding:

"When the main topics came up or when there was a problem scrutiny always took a lead in it and done (sic) a good job."

An example of effective O&S was given as the joint district and county health scrutiny. A member said it was good because:

"we had two extremely good officers in the early days and willingness by people to get on and do the job. We had some severe problems with the health service and social services who...never spoke to each other and when they did it was a slanging match. It had to be overcome and think scrutiny had a lot to do with bringing them together."

One member did not believe their council had been very effective at O&S in comparison to other authorities. They said they have been involved with the Local Government Association for many years so:

“I knew that scrutiny in other areas was much more effective and valuable.”

Indeed speaking of their own authority the stated they had:

“never seen a scrutiny report that I thought that was particularly effective before I joined scrutiny. That is why I was so reluctant to join it for a long time, because it seemed like a process that was being gone through for the sake of going through the process rather than a really creative and interesting, stimulating, exercise, useful for the good running of the council.”

8.2.2 Process Conditions

Call-in

The opinion of all the members was the ability to call-in a cabinet decision was regarded as a strength, as it is the means by which the public could see accountability in local government in operation; however it had been used infrequently and only once other means of resolving an issue had been exhausted.

Public Involvement in Overview and Scrutiny

Public involvement in O&S was described by one member as:

“Not as good as we would hope. Sometimes you’d get a few people there and sometimes you wouldn’t get anybody.”

One member described O&S as:

“a pretty specialist area... it wasn’t something that local people did get involved in”.

Another member said O&S was, rather than the general public:

“largely working with the other bodies; the police, fire authorities and NHS”.

One member highlighted that public engagement was not just an issue for O&S.

They reflected that:

“public involvement in local government isn’t very good”.

There was also an issue regarding the public understanding of O&S due to the lack of publicity for the function. However a member reflected that the media are not necessarily interested in the work of O&S to be able to promote it, saying:

“If you are just doing a job rather than making a public spectacle of it. If you are doing the job professionally you don’t always make it into the papers do you?”

The unitary authority is establishing unitary member led area boards. As a member explained the area boards could be an opportunity for O&S to engage with the public at a local level but are intended:

“to lead the community areas and advise the council. They are the communication link and will be given some delegated power themselves ... the area boards are not being set up as local scrutineers as it were.”

8.2.3 Structure and Mechanism Conditions

The Development and Structure of Overview and Scrutiny

As noted above following the Local Government Act (2000) in this county three of the five authorities adopted leadership and cabinet model of the new political structures and the remaining 2 chose the 4th option. Each authority then developed the structure of its O&S committees, membership, officer support, meeting depending upon their authority's and members particular needs (see diagram 10 for examples of O&S committee structures from Authority D):

- The county council had 3 OSC for health, children's services and an O&S management committee, they also had 3 task groups dedicated to specific issues and various time limited task groups
- Only one of the districts had an overarching O&S management board and 4 OSC related to service departments. The two 4th option authorities had either one OSC or two; one internally and one externally focused
- All authorities used smaller time bound task and finish groups were also used to conduct in-depth or light touch reviews
- None of the authorities had divided their O&S function into separate scrutiny and overview committees.

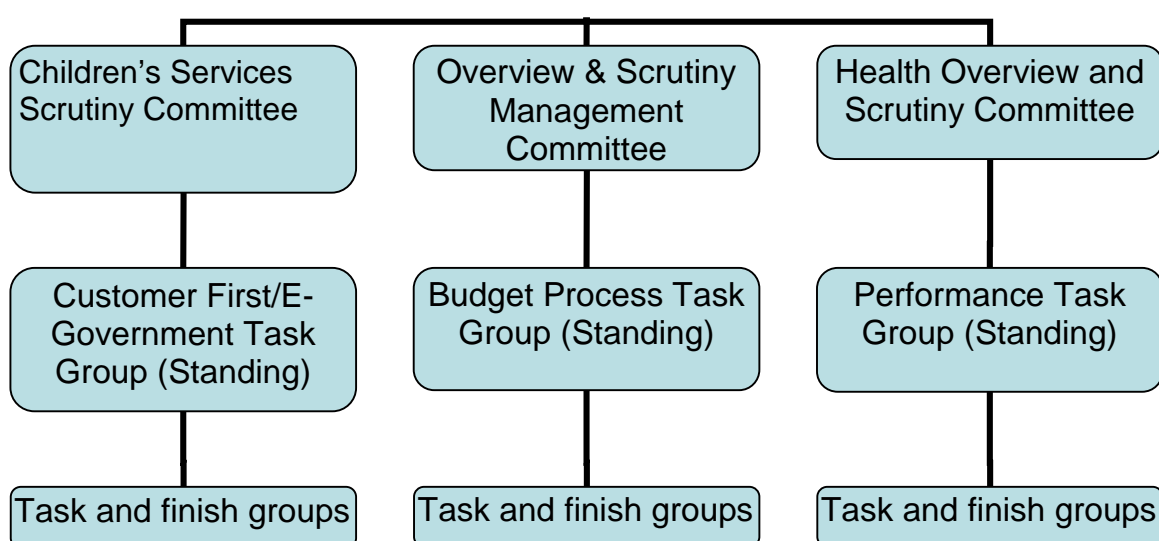
Allocation of Chairs and Vice Chairs

The common practice throughout the county was to appoint opposition members as chairs and vice chairs of OSC as well as majority party members. Even in a

District where 34 out of 43 Cllrs were from the majority Conservative party the chair of O&S was always an opposition member.

Diagram 10: Examples of Overview and Scrutiny Structures from Authority D Prior to Unitary Status

Former County Council



Former District Council

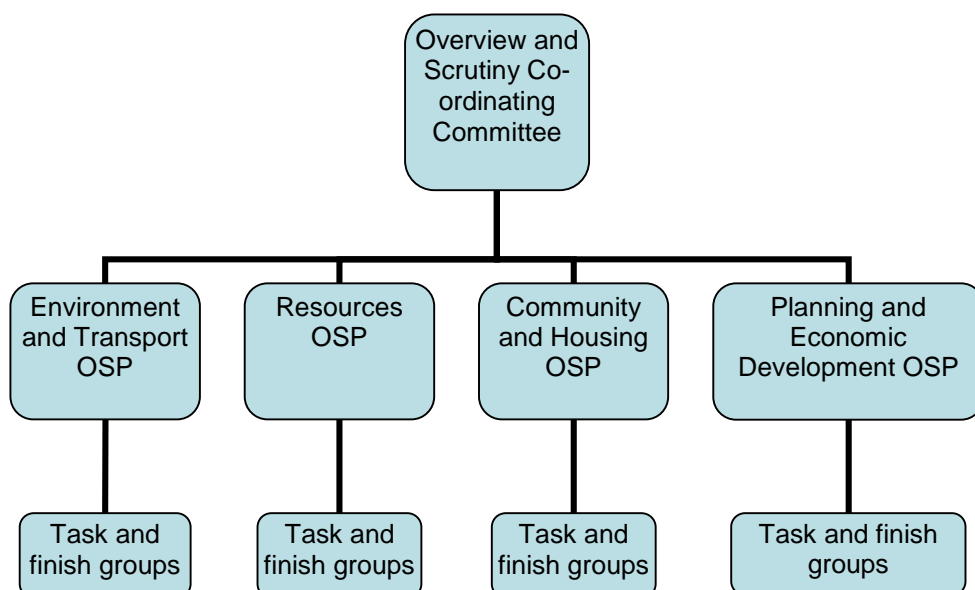
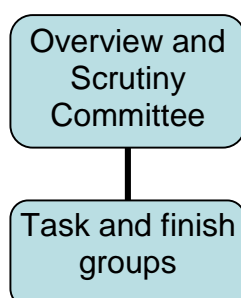


Diagram 10: Examples of Overview and Scrutiny Structures from Authority D Prior to Unitary Status continued

Former 4th Option District Council



The Preparation of Overview and Scrutiny for the Unitary Authority

The creation of the unitary authority was opposed by the district councils, but there was now a commitment by members to ensure it is successful. As a member said:

“this decision for unitary was a very contentious affair. The district councils fought it like mad. Having lost the battle we obviously had to work to make the thing operate correctly.”

One of the reasons for opposition that was highlighted by most members was that the unitary council serves too large an area and that there are significant differences within it. One member explained:

“I have to admit to have serious doubts about the viability of... this particular unitary. I’m extremely worried about how successful it’s going to be. Geographically we’re far too big an area in my opinion. We’ve only got 435,000-440,000 population... we’re one of the biggest geographical areas for a unitary. There’s such a diverse indigenous attitude to life between the southernmost part of the county and the northern most part of the county.”

As noted earlier the members from the former districts and county council were interviewed because they represented their authority on a joint O&S board that undertook scrutiny of the IE. One member explained that at the first meeting of the Joint Overview and Scrutiny Transition Board (JOSTB) the then deputy leader of the county council said that O&S was:

“going to be a really important tool in developing the formation of the new authority and that the IE was going to work with scrutiny”.

In addition part of their brief was to look at how O&S would work in the new council and to make recommendations that would go in front of the IE for their approval. Very early on it was decided by members that they would seek help with this. As a member recalled:

“At my initiative we went to the CfPS organisation and got a consultant in to give us advice as to how we ought to develop the new council after the election and that has been done and adopted as the process for the new council.”

A member said that the proposed structure was “very similar” to the county council, but the emphasis was on the OSC being modelled on the parliamentary select committee style. However as Authority D did not have its unitary council elections until after it came into being new leadership or members could still have made changes to the proposals for O&S. As one member said this:

“hindered the (transition) process. We should have had the new shadow (authority) in place for 12 months, before the change over took place.”

Priorities for Overview and Scrutiny in the Unitary Authority

The members' views as to the priorities for the unitary council fell into two strands; issues relating directly to O&S and those policy and service areas that needed to be addressed. Those for O&S were:

- That O&S develops a good working relationship with the executive
- There are sufficient members to deliver the O&S function
- Members receive the required training to participate in O&S recognising there are many new members inexperienced in countywide strategic O&S
- Meetings are not concentrated in hounaty Hall, but consideration is given for the time spent travelling in what is a large rural county
- That O&S develops a working relationship with the area boards.

The policy and service areas were:

- O&S are "keen to scrutinise how the new authority was going to manage the district council functions"
- Ensuring that the move to a unitary council makes the anticipated savings in the council budget
- There are sufficient officers to run and deliver the services to the required standards
- Area boards are developed to allow the public to participate in and influence the running of the council.

8.3 Post Reorganisation Approach to Overview and Scrutiny

8.3.1 Attitudinal Conditions

Resources and Officer Support

Authority D Leadership stated that O&S had sufficient dedicated O&S officers, however the chair of O&S described the officer support as a:

“small number of dedicated scrutiny officers...they have to be masters of all trades”.

Authority D O&S Management noted that officer capacity restricts the work of O&S; for example in the research required for reviews and stated that:

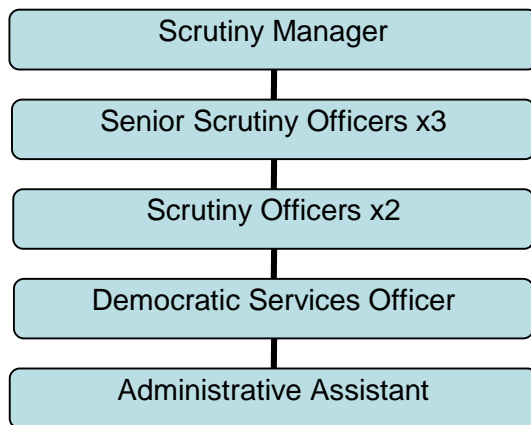
“there are not really enough officers for the size of the business that we have got”

O&S works closely with the other services using the existing evidence that is available and avoid requesting officers to write long reports as officer time is limited. As the O&S Management explained:

“what we try and do is use what’s available... we just have to sort of dovetail ourselves into the other parts of the business...give me more and I could do more...before that we had to do the democratic services ourselves and beg steal and borrow admin support”.

The unitary authority has 6 dedicated O&S officers, one democratic services officer and admin support (See diagram 11). Currently O&S is an officer’s second or third job and they stay for 2 or 3 years. The O&S Manager would like to retain the services of O&S officers for longer and views the unitary authority as an opportunity to develop a career structure for O&S.

Diagram 11: Authority D: Overview and Scrutiny Officer Structure



The Role of Overview and Scrutiny

As experienced by those interviewed the role of O&S is to:

- Be a critical friend
- “dig down deeper”
- Add value
- “shine a light in what I’d call some dark corners”
- Hold the executive to public account for decisions and policies
- Provide check and balance
- Raise awareness of an issue
- Provide evidence based recommendations
- Understand issues
- Find better ways of doing things
- Review decisions of the executive and individual cabinet members
- Ensure openness and transparency
- Consult the community and stakeholders
- Undertake policy review and development

- Monitor performance
- Monitor the budget.

Relationship Between the Executive and Overview and Scrutiny

The O&S Leadership described the relationship with the executive as “generally good”, however adding that if it were to close it would not necessarily be good either:

“I have to be particularly careful about that line to walk...”, but “on the other hand I don’t want it to be a political football”.

They said the executive would use O&S for policy development but that could make O&S the decision maker and not the decision influencing body. Indeed it could be used as a cover for executive decisions. But they emphasised that O&S remained its own “master”. The O&S Management agrees that cabinet members can use O&S to their own advantage:

“Some of them are pretty much switched on... they know how to use scrutiny as well ... rather than look like the bad guys (they will) pass the particular problem over to scrutiny ... get them to review it and ... they’ll have to stand alongside (and) implement some of those unpalatable decisions.”

Adding that, service directors will use O&S to:

“bid for scarce resources on their behalf.”

Although there are no regular time tabled meetings with executive the O&S Manager said the chairs, vice chairs and the O&S officers work on their relationship with the executive and the executive are “very positive towards scrutiny”. The executive see the advantage of early and pro-active communication

with O&S rather than receiving challenge after decisions are made. Authority D Leadership's experience has been that the:

"majority of the time a fairly open and robust relationship.."

The Authority D Chief Officer said that during the transition period leading towards the unitary authority the relationship was very challenging. They explained that former district members who were opposed to the unitary authority used O&S to challenge the executive, but now the relationship had improved. They added that the authority has got a:

"Member/officer relations protocol and we are trying to sort of foster those good relations and to promote a culture of mutual co-operation and respect."

Recommendations

The experience of the Authority D Leadership was that "99%" of recommendations were accepted by the executive because they were based on evidence. They explained that:

"the majority of times we end up with well researched and evidence based decisions from scrutiny...we may not always like it but at least it is based on fact and information not pre-conceived ideas.... it is easier for the cabinet or the port-folio holder if the decision was evidence based rather than a political decision".

Member Involvement in Overview and Scrutiny

Authority D Leadership said O&S is governed by the members and they have applied their experience, qualifications and knowledge to their work. They pointed out there was a different culture in the district councils as from the county council and:

“what we are trying to do is to get the best of breed...some of the members do have different ideas as to how it should operate, but yes I think it’s been a positive move forward, it certainly hasn’t gone back”.

The O&S Management said as the majority of the 98 members are either ex county or district Cllrs there are few completely new members.

“In theory 98 members, less 10 executives should be enough to go round”.

Those who have been previously involved in O&S have been quick to engage with O&S officers, but they have “struggled” to fill places on the first task groups. The O&S Management recognised that members’ time is limited as they were having difficulty:

“serving on area boards, regulatory committees, doing local case work, working and living over an hour away from county hall...members are very selective in terms of what brings them in”.

They suggested that O&S had to treat members as “customers” and determine what is important to members. Explaining that:

“we have been working hard to involve members via local interest or subject interest.”

They held a two day induction for member to O&S, including the select committees having a day away with lead O&S officers to build team cohesiveness.

The O&S Leadership said that of the members who are involved in O&S most are the majority political parties whereas the independents consider their role as to

look after their ward only. However their experience was once members are involved they stay involved. They explained:

“What I find is those who have got involved and it’s been a worthwhile experience do tend to come back, but it is getting them involved.”

They added that:

“You get a number of people who get stuck into scrutiny...20% who want to get stuck in, 50 or 60% you could twist their arm... 20% you never get anything out of them”.

In their experience O&S is increasingly a daytime job and suggested they need to be incentivised to attend. Authority D Leadership agreed it is difficult to get some members fully involved in O&S and that a financial incentive could be used. Indeed, the authorities independent members allowance panel has given £10,000 to disperse among those that have participated in O&S.

Political Balance and Interaction

The O&S Management explained the four select committees are appointed on political proportionality, although the Authority D Leadership said that:

“political balance sometimes gets in the way of getting the most experienced person for the job”.

The O&S Management said that members understand they are there to gather the evidence to make consensus based recommendations. Members:

“may express their own views initially on things based on personal experience and ideology” and are “occasionally a little heated”, but members tend to “leave that (politics) at the door”.

The Leadership agreed that O&S work is based on evidence and not political view and added the:

“non-political approach to scrutiny in (the authority) is a credit to some of the opposition Members”.

The experience of the O&S Leadership at this authority is that members involved in O&S were not overtly party political, however their view is that there are factions within with the large majority party on the council and on occasions they:

“use scrutiny as a vehicle to express their internal grievances with executive”.

External Overview and Scrutiny

The O&S Management recognised that scrutiny of LAA targets and wider partners is going to be a “big job.” The O&S Chair said:

“it’s going to be interesting to see how they (external partners) feel about being scrutinised by an outside organisation. If we got some real power then I think it’s going to be good”.

The Chief Officer explained that the authority has a task group looking specifically at how scrutiny of the LAA partnerships will take place and that they are waiting for the regulations and guidance from the government. However they said that the authority needed to be:

“realistic about what we can achieve in those areas... without any additional resources to match that responsibility... it’s going to be very challenging”.

Authority D Leadership highlighted that O&S of external partners already happens with the monitoring of the health service and an external provider of care homes. They cautioned:

“that there is no point in extending the areas of scrutiny unless you actually give scrutiny some powers to influence those decisions... if there isn’t any teeth to do it.”

Indeed the O&S Management questioned whether locally elected Cllrs should be involved in health scrutiny as the health service is a bigger business than local government and there is the issue of member and officer capacity to consider.

The Effectiveness of Overview and Scrutiny

The Authority Leadership described effective O&S as:

- Independent
- Supported by dedicated officers
- An open process where members of the public can attend meetings and have input
- Recommendations and policies are properly debated
- Cabinet explains why recommendations not accepted
- Having proper protocols in place so that anyone that is involved in O&S knows how the process works and how they should be treated
- A process which is about finding out facts not “roughing” people up.

The Chair of O&S said that an effective O&S function would have greater member involvement and they would participate without the promise of an allowance payment.

The O&S Management said an effective O&S should be able to review recommendations in 6 months or 12 months time and see that the outcomes have made a difference and/or added value. Adding:

“it is important that we do make a difference and we do judge ourselves by way of outcome”.

Overview and Scrutiny: The Lion that has failed to roar

The Authority D Leadership’s view was that O&S in this authority was a:

“young lion... packing a punch and is now extending its reach in the areas that it scrutinises”.

The Authority Chief Officer did not agree with the minister. It had taken time and training for O&S to work effectively and while recommendations are based on evidence all that O&S can do is make recommendations to cabinet or to council.

They stated:

“scrutiny shouldn’t be operated in a way where there is aggressive challenge or an antagonistic way... what we don’t want here is sort of a hostile environment for scrutiny... an adversarial sort of system.”

The O&S Leadership's response was to say O&S could only make recommendations. It:

“could make a lot of noise, but has it got any teeth?”

They also thought that O&S was not properly thought through by the government stating:

“I just wonder whether this scrutiny thing was tagged on afterwards...what shall we get these guys to do that are left?”

The O&S Management's opinion is that O&S should be judged on outcomes only. Their view was that O&S is still relatively new and still developing; having been left to develop and function individually and independently as the government had only provided limited support and guidance.

8.3.2 Process Conditions

Call-in

The Chair of O&S experience was that Authority D did not have a history of call-in.

Authority D Chief Officer explained:

“we used to actually have limitations in the constitution on the amount of use of call-in and we do make it clear that in the constitution still that it's to be used in exceptional circumstances.”

Authority D Leadership accepted call-in as a legitimate challenge to the executive but regarded its use as:

“a failure of the cabinet member to have advanced discussions with members of scrutiny”.

They thought that some of the call-ins had been politically driven in the past; however the Leadership of O&S said that call-ins are not usually requested on party political lines.

The authority has a pro-forma for requesting call-in, which signposts other ways of resolving the issue. Call-in is not actively discouraged, but they would prefer the issue to be resolved by other means, namely through direct discussion with the cabinet and portfolio-holders.

The main points for the procedure for call-in at Authority D is as follows:

- Call-in should only be used in exceptional circumstances
- Members have 5 working days after the publication of a decision to call it in
- The monitoring officer (the Director of Resources) calls-in decisions at the request of the chair or any three members of the relevant committee
- Urgent decisions cannot be called-in.

8.3.3 Structure and Mechanism Conditions

The Development of Overview and Scrutiny for the Unitary Authority

During the transitional period from the two tier to unitary authority an IE was formed to manage the process. The IE had representatives from the five authorities and O&S mirrored this by having its own transition scrutiny board to oversee the IE. This joint county and district OSC comprised of members from the

five councils and was called the JOSTB, which scrutinised the performance of the IE against the transition plan.

The JOSTB also commissioned a local government consultant from the CfPS, with guidance from the O&S Management, to develop the O&S arrangements to be in place from day one for the unitary authority. As the O&S Management explained members from the districts and county council were consulted as to:

“what was good about (O&S in) their previous authority, what wasn’t quite so good and what they would like to see sort of translated into the new arrangements”.

The consultant undertook a review of O&S in the county and offered advice based on the CfPS 4 principles of good scrutiny. A report was compiled giving the consensus view of the members and an officer group held discussions to address the ‘nuts and bolts’ of O&S. The arrangements for O&S were then considered by the JOSTB, agreed by the IE, put into the council constitution and were adopted by the new unitary council.

At the time of the data collection the arrangements for O&S have only been in operation for a short period of time. As the O&S Leadership O&S reflected:

“I don’t think we have really bedded in yet. It’s early days. We need to look at it in about a year’s time.”

Authority D Leadership highlighted the fact that the elections for the unitary happened after the authority had come into effect. Therefore April to June 2009:

“was still very much a transitional stage... it wasn't really until we had had the elections and the first meeting of full council to allocate, appoint members to the various committees and also the induction that we really felt we were able to move forward...business really started properly from September (2009)”.

Also as the elections also resulted in increasing the largest party's majority and returned the existing second party as the main opposition the cabinet members remained the same, therefore there was a sense of “business as usual” despite Authority D Leadership trying to avoid that impression.

Structure of Overview and Scrutiny

Authority D Chief Officer considered that the unitary authority had “built on good practice from all five councils”. The new structure of O&S at Authority D has an Overview and Scrutiny Management and Resources Select Committee (OSMRSC) and 3 other select committees (See diagram 12). The OSMRSC manages reviews and develops the O&S function and is responsible for reviewing the structures of the unitary authority.

The use of the term select committee is to reflect the method of O&S undertaken in parliament, which this authority considers to be best practice for O&S. As the O&S Management in a report to the JOSTB:

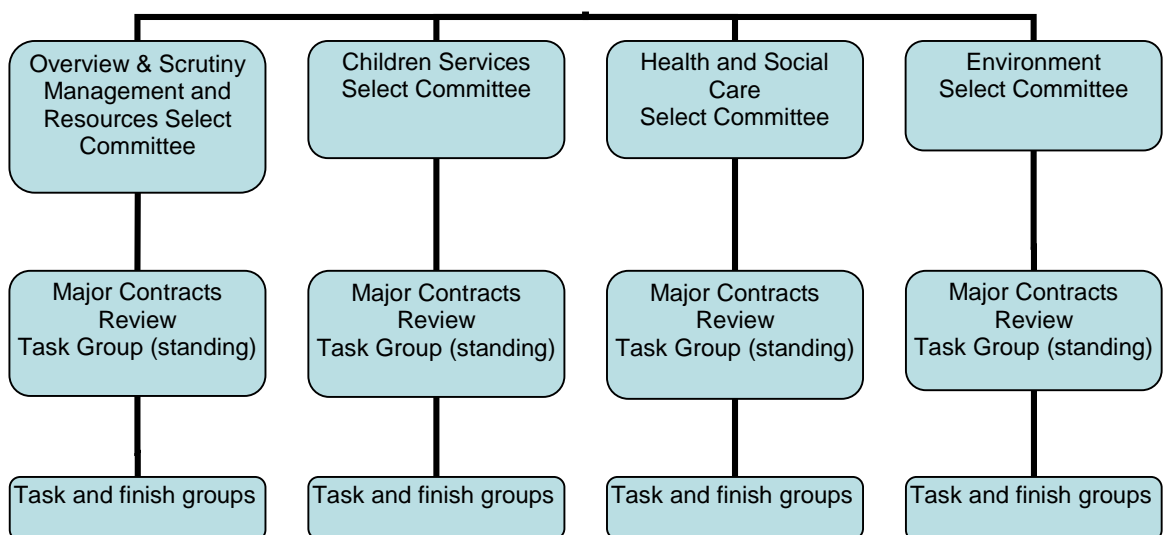
“It is not simply about a name or what is in the terms of reference, but how they operate in practice and this will be the subject of induction and training for both members and officers early in the life of the new council. The lower levels within the decision-making structure such as task groups and rapid scrutiny exercises are less formal with greater ability to apply a system designed to achieve the most effective outcome to the single topic under review.”

Standing task groups have been created for the annual review of major contracts as it is considered to be a growing area in the unitary authority.

The Authority D Chief Officer said:

“there is some debate at the moment about whether we’ve got the right structure... whether the OSMRSC should be an overarching committee with the other select committees underneath or as we’ve got at the moment, that its one of four select committees.”

Diagram 12: Authority D Overview and Scrutiny Committee Structure



Overview and Scrutiny Work Programme

The O&S Management said members are working from a:

“legacy report from transition into the new unitary authority which reflected the priorities of the districts. They ended up being the important things for scrutiny on day one of the new unitary, e.g. waste collection, leisure and housing”.

Each of the select committees also had a development day to identify the priorities, but O&S had not yet taken views from partners regarding the area boards. They described the work programme (see Figure 28) as:

“pretty extensive, so they’re having to use quite a few task groups and rapid scrutiny exercises just to get business done.”

The O&S Leadership said they have:

“concentrated on scrutiny of internal workings of authority... the frontline services the county council didn’t run and the harmonisation of staffing and conditions.”

The O&S Chair added that the O&S Manager was adept at identifying topics, but Members were not forthcoming with issues as were service departments. The Chief Officer said there was a:

“massive range of tasks for them to do and areas to cover”.

Each service director within the resources team had a meeting with the members of the OSMRSC and presented the issues within the services for O&S to consider for their work programme. Authority D Leadership emphasised that O&S members set their own agenda. They are:

“totally independent to look at what they wish... working from the forward plan or raised from the community or by the area boards or by the members...there is no direction coming from the cabinet...scrutiny does have the luxury of having more time to look at policy or look at decisions and review them...the cabinet has to collate information, make a decision and move on.”

The O&S Management said that the political and officer leadership of the authority are:

“very keen to have a good balance to the work programme in terms of policy development work”.

This was confirmed by the Chief Officer who said that O&S:

“I think that what we want, the directors and indeed cabinet members, to embrace scrutiny really and to use scrutiny for policy development”.

The Authority Leadership also said that O&S:

“is about developing policy and not just about what has happened...it has produced very good policy which is in place and working very well to this day”.

Figure 28: Examples of Overview and Scrutiny Work Programme for Authority D

Overview and Scrutiny Select Committee	Topic
Overview & Scrutiny Management and Resources	<ul style="list-style-type: none"> • Service Transformation (HR) • Harmonisation of Staff Terms and Conditions of Employment • Delivering Customer Focus • Agency Staff (and consultancy) Contract
Children’s Services	<ul style="list-style-type: none"> • Speech and Language Service Provision • Teenage Pregnancy • Primary School Strategy • Child & Adolescent Mental Health Strategy
Health and Social Care	<ul style="list-style-type: none"> • Care Pathway for Older People • Autism • Ambulance Service District Response Times • End of Life Care Strategy
Environment	<ul style="list-style-type: none"> • Gypsy & Traveller Service Review • Car Parking – harmonisation of charging • Climate Change/Carbon Trading • Leisure Services – options for transformation including contract implications

Allocation of Chairs and Vice Chairs

As the O&S Management explained the custom and practice is to have an opposition member as chair of OSMB. The select committees elect their own chair from the majority group and a vice chair from the opposition:

“so that it is not controlled by the administration per se”.

Public involvement in Overview and Scrutiny

The O&S Leadership summarised the level of public involvement in O&S as “weak”. Their experience was that O&S had at times not sufficiently engaged with the public and had found it difficult to engage the public. They suggested that the public did not know or understand the O&S function and are only likely to engage with O&S if the issue was of concern to them. The O&S Management said this was of immediate concern to Members. A task group under the OSMRSC has been established to look into how O&S can:

“pull local knowledge into the scrutiny arena and demonstrate that we are undertaking scrutiny within the area(s).

The Chief Officer saw the creation of area boards for the unitary authority as the main method of community engagement and one which could be utilised by O&S. The O&S Management said the relationship between the area boards and O&S has not been established and a task group has been set up to specifically look at how they can work together. Their understanding was that the area boards would undertake local challenge and service review, however they:

“are not meant to undertake scrutiny per se, but what they will do is... some sort of service based reviews themselves and any issue that are corporate or cross boundaries will possibly be referred to O&S.”

The Chief Officer added that when an area board is not able to resolve an issue such as a CCfA then it may also be referred to O&S to address. Certainly a collaborative relationship is anticipated on consultations and as they noted:

“if they (the area boards) are working effectively then I would think there’s less for scrutiny to do”.

However the O&S Leadership cautioned that the area boards are going to be overloaded as a means of consultation and that:

“you’ll just get the usual suspects. You don’t get the public.”

8.4 Key Findings from Authority D

8.4.1 Attitudinal Conditions

- Members and officers feel that O&S has not had the support from central government and that O&S was an afterthought of the Local Government Act 2000
- The authority has 6 dedicated and independently funded O&S Officers
- The executive would like O&S to focus more on policy review and development
- O&S has a good working relationship with the executive, however there are concerns that the executive has used O&S to resolve challenging problems
- O&S should not be adversarial, but rather a critical friend

- The relationship with the executive is described as being positive, but there is a desire for it not to be too close
- There is pro-active communication with the executive to avoid challenges after decisions are made
- O&S is effective when it has member and cabinet support, has dedicated officer support and is focused on outcomes which make a difference and/or add value.

8.4.2 Process Conditions

- The use of call-in is restricted by the constitution
- O&S needs to improve public participation
- The area boards relationship with O&S is to be determined, however they could be used as a means of public consultation by O&S and may also refer issues to O&S that cannot be resolved at the area level or that have implications for the whole authority.

8.4.3 Structure and Mechanism Conditions

- District and county council members were consulted on the O&S arrangements for the unitary authority, supported by guidance from a CfPS local government consultant
- The chair of O&S is an opposition member and the select committees elect their own chair/vice chairs from all political parties and independents
- O&S of external partners is going to be challenging based on the member and officer capacity
- The work programme has been determined by members and focuses on the services inherited from the former district councils.

8.5 Conclusion

This chapter has analysed the data from the semi-structured interviews held with the members and officers from the former county and district councils, the unitary council and from relative documents, has outlined O&S prior to and after re-organisation. The thematic analysis has identified key findings focused on the development, structure and resources of O&S, its role, the involvement of members and the general public in O&S, the effectiveness of O&S and the development of O&S for the unitary authority. These findings can now be compared and contrasted with the other case study authorities in the following chapter.

Chapter 9 Key Findings

9.1 Introduction

This chapter will bring together the evidence gathered and presented in chapters 5, 6, 7 and 8 and thus compare and contrast the individual experiences of the four case study authorities. It will also highlight any cross-authority implications with regard to the research questions listed at the beginning of the thesis. The research questions were:

- To locate debates on O&S within a wider conceptual understanding of the process of modernisation and the emphasis on 'New Localism'
- Highlight what O&S arrangements were and are in place within the two and one-tier system of local government
- Examine how effective O&S is being ensured within four new Unitary Authorities.

9.2 Overview and Scrutiny in the Unitary Authorities

9.2.1 Attitudinal Conditions

Resources and Officer Support

Research has shown that for O&S to succeed it requires officer support and financial resources. Indeed, O&S has struggled to develop as a result of poor resources. (Snape and Taylor, 2001; Cole, 2001; Audit Commission, 2002b; Ashworth and Hunt, 2003)

The annual surveys by the CfPS have shown that officer support is provided by a number of different departments within local authorities and that budgets vary between the size and type of authority (see Tables 7 and 8 pp.59- 64). Historically the officer resources for O&S in the 4 case study areas varied between the authorities. In most authorities the officers supporting the O&S function were provided by democratic services or its equivalent and, at the minimum level, carried out clerking duties and/or research and advice for members. In Authority B area O&S officer support was described as inadequate in one district leaving members to provide their own research, reports and presentations. In Authority C area one of the larger districts could boast an O&S Manager, 2 O&S officers and a PhD Student. In Authority D area a member from the largest district said that officer and financial support was good and they faced few restrictions. As for the new unitary authorities, it was recognised that dedicated O&S officers and financial resources were necessary for an effective O&S function. Table 13 details what officer and financial resources were in place at the time of the research. The O&S Leadership from Authority B gave their opinion on why officer resources are so important to O&S:

"We've had people saying to us before 'we've only got half a scrutiny officer'. 'What's your scrutiny like?' 'Crap!' You've got to back it up with resources, that's what I'm saying. That's a must. It's a false economy if you don't."

Authority A has a dedicated O&S team of 2 senior policy officers and 2 policy officers with varying experience of O&S. They are managed by the Team Leader for Scrutiny and the executive, which is located within the ACE

Table 13: Dedicated Overview and Scrutiny Officer and Financial Support in Case Study Authorities

Authority	A	B	C	D
O&S Officers	5	7.5	4	6
Managed by	Team Leader for Scrutiny and the Executive	O&S Manager	O&S Manager	O&S Manager
Directorate	Assistant Chief Executive's Department	Assistant Chief Executive's Department	Performance	Resources
Link Officer	None	Heads of Service	None	None
Discretionary Budget	£29,000	£25,000	None	£30,000

department. They will be able to call upon additional resources from other departments despite having no dedicated link officers. However, directors are regarded as the key link to O&S.

In Authority B, of the 7 officers who were appointed in October 2009 there was a 50-50 split of former county and district council officers all having direct experience of O&S. In response to the growth of health related O&S the former county council, in collaboration with the NHS, had jointly funded an officer to manage health O&S for which they were highly commended for at the CfPS Good Scrutiny Awards 2009. They are all managed by the O&S Manager, who reports directly to the ACE department and Heads of Service act as link officers to O&S.

In Authority C the O&S Manager reports directly to the Head of Democratic Services and is part of democratic services and within the performance directorate. There are four officers, including the manager, all from the former

county and district councils (the former county council only had one dedicated O&S officer) who have direct experience of O&S or Democratic Services. There are no dedicated link officers, but O&S officers link with relevant officers in service directorates depending upon the issue under investigation or review.

Authority D has 6 dedicated O&S officers, one democratic services officer and admin support. The O&S Manager reports directly to the Head of Democratic and Member Services and is part of the resource directorate. The O&S Manager noted that officer capacity restricts the work of O&S (for example in the research required for reviews) and remarked they only have sufficient officers for the current work programme.

In relation to financial resources, Authority C did not have a discretionary budget for O&S whereas authorities A, B and D were allocated budgets between £25,000-£30,000 to pay for member and officer training, attending conferences, venue fees, expenses for venues, witness, experts etc. These amounts compared very favourably to the average of £8,687 in 2009 (CfPS, 2009 p.9).

However, in Authorities A, C and D their chief executives were already concerned about the financial pressures facing their authorities, which could have an effect on staffing and financial resources in the future. The Chief Officer of Authority D stated that reduced officer support for members:

“might mean that you have to have less committees and less meetings.”

The Role of Overview and Scrutiny

The Local Government Act 2000 introduced new political structures, new decision-making procedures to local authorities and the new O&S role. What was clear was the introduction of O&S had not altered the fundamental role of members to review the decisions within their council. While the basic role was clear, over the last decade, the role of O&S has become more defined, especially with the guidance from the CfPS on the 4 principles of good scrutiny (CfPS, 2006c) namely:

- Provide critical friend challenge
- Make an impact on service delivery
- Reflect the voice and concerns of the public and its communities
- Take the lead and own the O&S process.

Thus, the O&S Management from Authority A describes the role as:

“Meeting the 4 principles of good scrutiny. Providing effective, constructive and critical challenges within the organisation.”

In addition the O&S Leadership from Authority A said the role of O&S is to:

“drive improvement in service delivery”,

The Leadership of Authority B regards O&S as having greater flexibility than the executive as it can decide its own role and work programme. While the executive is focused on making decisions, O&S can review the work of the council, partners

Figure 29: The Role of Overview and Scrutiny as Experienced by Members and Officers in the Case Study Authorities

The O&S Function	<ul style="list-style-type: none"> • Challenges, questions, examines • Understands • Raises awareness • Adds value • Makes a difference • Expresses the views of members • Ensures openness and transparency.
The Council	<ul style="list-style-type: none"> • Makes a positive contribution to the council's business.
Executive	<ul style="list-style-type: none"> • Holds the executive to account • Provides critical friend challenge • Supports the leadership to achieve its goals.
Partners	<ul style="list-style-type: none"> • Holds partners to account • Ensures partners are delivering services.
Decisions	<ul style="list-style-type: none"> • Examines and reviews decisions • Provides transparency in decision-making • Makes sure decisions are fair • Makes sure processes are followed • Provides checks and balances to the decision making within the authority.
Policy	<ul style="list-style-type: none"> • Undertakes policy review and development • Ensures policies are valid.
Recommendations	<ul style="list-style-type: none"> • Makes evidence based recommendations • Reviews implementation.
Services	<ul style="list-style-type: none"> • Improves public services • Finds efficiencies • Finds value for money and cost effectiveness.
Monitor	<ul style="list-style-type: none"> • Monitors performance • Monitors the budget.
Public	<ul style="list-style-type: none"> • Voices the concerns of the public • Engages with the wider community • Consults the community and stakeholders • Acts as an honest broker between the public and the executive • Gives the public confidence.
The role of O&S is not	<ul style="list-style-type: none"> • An opposition to the executive • A preserve of the opposition parties • To constantly call-in executive decisions.

and engage with communities. However, the members' and officers' of all 4 authorities expressed their experiences and views as to the role of O&S in wider terms than the 4 principles of good scrutiny (see Figure 29).

Relationship Between the Executive and Overview and Scrutiny

The experience of all the authorities was that the relationship between O&S and the ruling party or coalition had an uncertain beginning when the new political structures were adopted following the Local Government Act 2000. All of the districts and county councils, with the exception of the smaller district authorities who adopted the 4th option status, opted for leader and cabinet model of up to 10 executive members. Thus the remaining Cllrs became non-executive members with the task of holding the executive to account and reviewing policy. This separation of members' roles immediately created a 'them and us' division between the executive and O&S and subsequently they have had to establish and develop a new working relationship between them. The leadership of the 4 case study authorities all had a clear view on their executive's relationship with O&S.

The Leadership of Authority A and the other cabinet members regard their relationship with O&S as starting from "a clean sheet" and intended to meet with the informal OSMB on a regular basis as O&S is:

"a resource that can inform the cabinet in its decision making."

The Leadership of Authority B said that O&S:

"shouldn't really conflict with the executive and I don't think it does in this authority....I think we complement each other quite well."

Indeed, the Chair of O&S at Authority B describes their experience of working with the cabinet and chief executive as "very positive".

The Authority C Leadership also said that relationship with O&S was good and thought that they work well together. However, the O&S Leadership from Authority C said that the new administration had not engaged with O&S, explaining:

“We find that the executive members don’t feel duty bound to attend scrutiny meetings and to present their policy. (They) leave senior officers to do it to a large extent.”

Authority D Leadership of felt that for the:

“Members have challenged and exposed the major faults or decisions which were not as sound as were thought... they are not afraid to be a critical friend, but also to support decisions when they are right”.

The O&S Leadership for Authority D described the relationship with the executive as “generally good”, however adding that:

“if it is too cosy then there is something seriously wrong”.

They said the executive would use scrutiny for policy development but that could make O&S:

“a bit of a fig leaf for executive decisions... sometimes I wonder if they are expecting us to solve their problems for them”.

The O&S Management for Authority D agreed that cabinet members can use O&S to their own advantage. For example, could use O&S to make unpopular recommendations and therefore deflect some of the blame for decisions to O&S:

Arguably the relationship with the executive centres on the acceptance, or not, of O&S recommendations and the experience across the authorities was that there was almost 100% acceptance as recommendations based on evidence are not

easily rejected. However, other members had problems with the executive on the implementation of recommendations. This was resolved by the introduction of a procedure for the executive to report back to O&S. All of the authorities now have an action plan for the implementation of recommendations, which the OSMB revisits periodically (usually every 6 months) to track the progress. Indeed all of the authorities have, or are developing, formal and informal protocols to improve communication between the executive and O&S.

In Authority A, the leadership attended the first meeting of O&S and when he is available will attend more, invited or not. The informal OSMB also review the cabinets' agenda and are permitted to take formal questions to cabinet. In Authority B the O&S Chair meets monthly with chief executive, the chairs and vice chairs meet their respective portfolio-holders and directors on a monthly or bi-monthly basis and the cabinet attend O&S meetings when requested. In Authority C the representative of the executive attends all of the OSC meetings and reports back to the cabinet. In Authority D there are no regular time tabled meetings with executive, but the O&S Management said the chairs, vice chairs and the O&S officers work on their relationship with the executive and the executive are "very positive towards scrutiny".

Member Involvement in Overview and Scrutiny

Having the right number of committed and able members participating in O&S is essential to it being able to operate successfully. The elections for the unitary

authorities resulted in significant changes to incumbent members with many being deselected, failing to be elected and many new, less experienced, members being returned. The Leadership of Authority A viewed this positively as there were many new enthusiastic members, so despite the need for a certain degree of training for the new members they would be coming fresh to O&S and not have the 'baggage' of the old committee system or how the districts operated O&S.

The O&S Management in Authority D commented that as the majority of the 98 members are either ex county or district Cllrs there were few completely new members unaccustomed to O&S. With 88 members available (98 members less 10 executive members) they were confident they would have sufficient members involved. Those who have been previously involved in O&S have been quick to engage with O&S officers, but they have struggled to fill places on the first task groups. Indeed, the O&S Leadership for Authority D said that they need to:

“raise the profile and consciousness of O&S with members who don't get sufficiently involved.”

In Authority B, the elections for the unitary authority returned approximately equal thirds of former county council, former district council and new Cllrs. Of 116 available the O&S Chair indicated that was a “hardcore” of members involved in O&S as there had been in the former county and district councils. Therefore Authority B would also have to actively encourage members to become involved in O&S.

Unlike authorities A, B and D, Authority C did not increase the number of members with the creation of the unitary authority. Authority C O&S Leadership suggested that there were insufficient members involved in O&S as there were only 57 members available to participate. Indeed the O&S Management also questioned the capacity of members as they met at least monthly for O&S and with their other roles and responsibilities could be stretched at times.

Members identified three barriers to participation in O&S. Firstly, a former county council member Authority A the explained that members lamented the passing of the old committee system thought O&S was “pointless”. All the authorities have had to work hard to convince members that O&S is worthwhile and once members have become involved they have been persuaded of its potential to influence decision makers.

Secondly, the overall reduction in Cllrs in the authority areas coupled with the abolition of the district councils has increased the workload of the unitary Cllrs. For example they may only wish to serve on a regulatory committee, such as planning. With regard to capacity, one district member from Authority C stated that O&S was “virtually like a full time job.”

Thirdly, another potential barrier to member involvement is the timing of meetings and the time spent travelling to them in what are geographically large and rural counties; not only at county hall but in other localities.

The lack of guidance from the government also reflected their under-estimation of the commitment required to work within O&S (Davis and Geddes, 2000; Stewart, 2003,). O&S is a very time-consuming activity, therefore the capacity for members to partake in the process is always of concern and research has shown that many members are unwilling to participate in the O&S process (Leach, 2001a; Fenwick et al, 2003). It is important to highlight that O&S is not solely a function of opposition members (Maer and Sandford, 2004; Snape, Leach and Copus, 2002). In the view of the Chief Officer of Authority C, the Local Government Act 2000 had introduced conflicting and contradictory roles for all members.

Political Balance and Interaction

The CfPS 4 principles of good scrutiny' advocates that O&S should be, or should try to be, non-political. The research by Leach (2010) recognises that members beliefs and decisions are formed by their political ideology, but for O&S to function effectively party politics should be avoided and that recommendations should be achieved by consensus and without resorting to partisan votes. The majority view amongst those interviewed was that O&S was non-political in their experience and this has been achieved by having political balance on the OSC and through the chairs of O&S re-enforcing this position. Three former district members from Authority B perhaps summarize the position from all the case study authorities. One member said :

"We've got political balance on our scrutiny panels. Now as far as I'm concerned the function of scrutiny isn't a political function at all."

Another stated it was a matter of insisting that party allegiances are left to one side and being:

“willing to stand up and be counted and say your flag’s outside the chamber and I want you to stack yours against mine and it worked brilliantly with the new members.”

As one other Member succinctly put it:

“There is no politics. I don’t allow politics in scrutiny. We do not have a whip, we pick our own programme and nobody interferes with us”.

The Effectiveness of Overview and Scrutiny

This chapter has examined various elements that are all important in the delivery of O&S. The question of what makes for an effective O&S function has been explored by a number of writers (Snape, 2002; Snape, Leach and Copus, 2002; and Leach, 2002, 2009). The members and officers varied in their opinion on what constitutes effective O&S, however there appears to be a number of steps or conditions to effective O&S. Firstly, the O&S Management at Authority A links effective O&S function to members ownership and understanding of the function:

“It is about members doing the things which they feel are the most important because they are accountable for the organisation, they are accountable for its effectiveness...”.

Also, the Leadership of Authority A relates effective O&S to the attitude of non-executive members to their role in ensuring the effectiveness of the organisation and its partners. Secondly, the leadership at Authority D places emphasis on the relationship with the executive. Effective O&S is based on:

“a good constructive collaborative working relationship between the executive and the scrutiny committees”.

In addition Authority A O&S Leadership sees an effective O&S function as one that provides not only effective challenge, but is recognised and valued as a body that

positively influences policy development. Thirdly, it is the strength of recommendations - and whether they are adopted and implemented - that makes O&S effective. Fourthly, as the O&S Management of Authority D commented, an effective O&S should be able to review recommendations in 6 months or 12 months time and see that the outcomes have made a difference and/or added value. A member from Authority B agrees that effective O&S should make a difference to the lives of the communities that they represent by improving the council as a whole. They stated that:

“If scrutiny is doing the job that the government set them up to do then they are looking at things that affect people’s lives.”

Therefore effective O&S is that which makes a difference to the people the authority represents and serves. As the O&S Chair at Authority B stated the role of the Cllrs was once about obtaining value for money and now it is about “value for people.” Finally, the outcome of the implementation might not be immediately apparent as it may take some time for the recommendations to take effect. As a member from Authority D said, it was difficult to determine if O&S was effective because the effects would not be immediately noticeable:

“It’s really difficult to say they didn’t do a good job...it’s not an immediate thing, you don’t click your fingers and tomorrow it’s happened. It’s more of a long term process.”

Figure 30 summarises the characteristics that members and officers from the case study authorities associate with effective O&S function.

Figure 30: The Characteristics of an Effective Overview and Scrutiny Function as Experienced by Members and Officers of the Case Study Authorities

The Role of Overview and Scrutiny

- Influences, challenges and reviews the decisions of the executive and partners
- Reviews and develops policy
- Is open and transparent
- Is independent from executive
- Makes recommendations that are based on evidence and focused on the delivery of outcomes.

Member Involvement

- Members lead the O&S function
- Understand the role of O&S
- Are non-political
- All political parties/independents are given the opportunity and have the capacity to undertake O&S.

The Work Programme is

- Developed by members
- Aligned to the priorities of the authority and partners
- Balanced between overview (policy development) and scrutiny (review of decisions)
- Achievable given the capacity of members and officers.

The Executive

- Does not unduly influence O&S
- Is open to challenge
- Formally hears and responds to recommendations
- Holds regular meetings with the O&S leadership and attends committee meetings.

Officers

- Members will be supported by dedicated O&S officers
- Officers will not unduly influence members
- All officers in the authority understand the role of O&S.

Public Involvement

- O&S responds to the concerns of the public
- The public understand the role of O&S
- O&S is open to the public
- O&S has proper protocols in place for evidence gathering and the treatment of witnesses.

Overview and Scrutiny: The Lion that has failed to roar

With regard to the effectiveness of O&S it has been suggested that local authorities and Cllrs have failed to fully utilise their power and influence and that O&S was a “lion that has failed to roar” (Denham, 2009) and was put to those interviewed. The majority view from all of the authorities was that O&S should not be regarded as a lion although it could be strengthened by further legislation and better resources more, but as the Authority A O&S Leadership emphasised O&S power is only to influence. Indeed as the as the O&S Management from Authority B suggested O&S should not be in anyway a roaring threatening lion, but more a swimming with a friendly dolphin.

9.2.2 Process Conditions

Call-in

The ability to call-in a decision of the executive is arguably the only ‘power’ of O&S. It is the most public mechanism for holding the executive to account and is a measure of the relationship between O&S and the executive. It is also is the opportunity for overt party political intervention in O&S.

The history of call-in in the four authority areas, however, was that it was used very infrequently despite its potential; indeed of all of the district and county council members interviewed they could only recall 2 or 3 actual call-ins per authority. There were a number of reasons for this. Firstly, members thought that the threat of call-in was more effective than the practice and that decision makers were mindful of it. Secondly, members advocated early discussions between the

executive and O&S before decisions were made to allow members the opportunity to raise concerns rather than resorting to call-in. Therefore call-in was seen as a failure of communication between the executive and O&S. Thirdly, most authorities had placed restrictions on its use, as there was a desire to avoid conflict between the executive and O&S and only use call-in as “a last resort” when other, more informal, interventions have failed to resolve the issue. This approach to call-in continues in the unitary authorities and the constitutions of all four unitary authorities set out the rules regarding the use of call-in. While similar there are some significant differences (see Figure 31).

All of the authorities constitutions state that call-in should only be used in exceptional circumstances (e.g. when the executive failed to consider relevant evidence when making a decision), members have 5 working days after the publication of a decision to call it in and that urgent decisions are exempt from call-in (i.e. that delaying the decision would harm the council's or public's interests). The rules regarding who can make a call-in request is important to the independence of O&S from the executive and to the extent party politics can influence the motives for call-ins. In Authority C any member of an OSC whether a Cllr or not (i.e. a co-opted layperson) can make the request, therefore an individual is free to raise an objection to decision. In Authorities A and D the chair or any three members of the relevant OSC can request a call-in. In this instance the chair is using their authority or a number of members have to be concerned about a decision of the executive arguably giving it greater legitimacy. Whereas in Authority B it is the chair or vice chair or five members of the OSMB who are able

to make a request, therefore an individual of an OSC in this authority would have to convince the OSMB of the legitimacy of the call-in request. As the overwhelming majority of the OSMB in this authority are from the majority party in reality an individual would have to persuade the leadership of O&S itself. Significantly it will be difficult for an opposition member either to make a genuine request or one motivated by political mischief. It would be equally difficult for a majority party member to object to their leaders' decisions.

In all four authorities the call-in request is made via the monitoring officer, but only in Authority A do they make the decision to proceed with the call-in request and thus making it a decision of an impartial officer. In Authority D the decision to call-in is made by a chair or vice chair of O&S only. The chair of the relevant OSC in Authority C is the person who makes this decision keeping it within their remit and independent of O&S Leadership. In Authority B this decision lies with the OSMB and therefore the comments made above apply again. The ultimate 'power' of call-in lies with the leadership of O&S and this brings into question the independence of the OSMB, the chair/vice chair from the executive given they are all of the same political party. To avoid the over use or perhaps improper use of call-in some of the authorities have imposed restrictions above and beyond call-in only being allowed in exceptional circumstances and not for urgent decisions. Authority A limits the number of call in requests by individual members and OSC to 1

Figure 31: Case Study Authorities' Constitutional Procedural Rules for Call-In

Procedural Rule	Authority A	Authority B	Authority C	Authority D
Only in exceptional circumstances	Yes	Yes	Yes	Yes
Time limit	5 working days after the publication of a decision	5 working days after the publication of a decision	5 working days after the publication of a decision	5 working days after the publication of a decision
Who can call-in	The chair or any three members of the relevant OSC	The chair or vice chair or five members of the OSMB	Any member of an OSC (whether a Cllrs or not)	The chair or any three members of the relevant OSC
To whom do they request call-in to	The monitoring officer (Head of Legal & Democratic Services)	The monitoring officer (Head of Legal & Democratic Services)	The monitoring officer (Executive Director of Performance)	The monitoring officer (Director of Resources)
Who decides to accept call-in	The monitoring officer	The OSMB	The chair of the relevant OSC	The chair or any three members of the relevant OSC
Other limitations on call-in	An OSC can only call-in 2 decisions per six months A member can only make a call-in request every 2 months	The OSMB may only call-in a maximum of three decisions per three month period	The council may limit the subjects of call-in	None
Urgent decisions exempt	Yes	Yes	Yes	Yes

request per 2 months and 2 per six months respectively. Whether this is to not burden the monitoring officer who makes the decisions on call-in requests or to

ensure members are certain of exceptionality of the executive decision. It could be argued that it is another means to restrict the potential for party political motivated call-ins. Similarly Authority B is limited to 3 call-in decisions per 3 months again is a potential barrier to opposition members and dissenting majority members or a reasonable control as to not have too many challenges to the executive. The full council may decide that more subjects could be exempt from call-in in Authority C and in Authority D there are none suggesting that the executive and authority as a whole are more open to the challenge presented by call-in.

Public Involvement in Overview and Scrutiny

A central aim of the reform of political structures in local government was to make decision making more transparent and the decision makers more accountable to the public they represent and serve (ODPM, 1998). While OSC meetings are open to the public and there are various representatives from schools, faith groups and other interested parties co-opted onto OSC, all four case study authorities have stated that none of the two-tier authorities had been particularly successful at public engagement and that they need to improve public involvement in the O&S process. Indeed, the Chief Officer of Authority A thought O&S is of public engagement. Members had a varied experience of engaging with the public. A member from Authority C expressed the view that public engagement was part of successful O&S, but they emphasised that it had to be done “properly”. However as a member from Authority D stated O&S was not something that the general public were involved in. In their experience O&S targeted specific groups. They explained that:

“When we are doing our evidence seeking, digging as it were, there are occasions when we need to involve and we invite people from community areas and to give evidence on the issues we are looking at.”

Further to that view, members and officers from the case study authorities thought the general public has little understanding of how councils work and even less knowledge of O&S. A member from Authority B thought that this lack of interest and awareness was due to the council not promoting O&S saying:

“the public perception of scrutiny I think is very hazy.”

Although a member from Authority A, highlighting the national political situation regarding MPs expenses, saw it as an opportunity to raise the profile of O&S as the term ‘scrutiny’ had never had so much publicity. When the public have become involved in the issue under scrutiny it was because it was of interest and relevance to them. Indeed, a member from Authority B suggested that the public’s priorities were elsewhere suggesting that:

“the general public out there wouldn't notice if scrutiny's making any difference to them or not. I mean all they are worried about is do the bins get emptied regular, are the streets swept, is the dog dirt cleaned up”.

Concerning the choice of O&S topics, unlike some authorities, none of the 4 case study authorities have a means for the public to suggest and/or select topics for the O&S work programme. For example, the public could suggest topics via the authority’s website or through the authority’s newspapers, libraries or offices. Alternatively the public could vote for one topic from a short list, either suggested

by members or the public, that have been determined to be achievable given the member capacity. To this end Authority B Leadership wants to enable community suggestions for O&S topics via the authority's website and build community engagement into the planning of O&S reviews.

A significant aspect of the 4 former county council's bids for unitary status was the desire to enhance the public's involvement in the provision and running of services provided or commissioned by the authorities and their partners. Therefore, with the aim of enhancing the authorities 'localism' credentials each of the four case study authorities have or are in the process of creating community networks in specific localities in their areas and subsequently are seen as an opportunity for O&S to engage with the public through them.

In Authority A, which is proposing 21 community networks, their relationship with O&S is unclear. For the O&S Leadership at Authority A the networks are a means for members to fulfil their community leadership role by helping to determine what the community wanted out of the network. With regard to the link between O&S and the networks they see it as O&S on a different level, effectively local O&S. They would see it as a way of taking pressure off the main OSC. However, it would place the members in the dual and, possibly conflicting role, of the executive and O&S for their community network area. The Leadership of Authority A said that members involved in O&S and the networks would be able to bring local issues to the attention of O&S and the executive if it is of countywide, strategic concern. However both the Chief Officer and the O&S Management of

Authority A thought that the O&S role would be to help develop the networks and to see if they are functioning.

The Leadership of Authority B suggested that their 14 local partnerships, once they have identified the issues of local concern, will potentially have both the executive and O&S functions as opposed to only being able to make recommendations to the executive or partner organisations.

The Authority B O&S Leadership agrees that the local committees have a “scrutiny” element in that the committee will undertake a review of an issue of local concern and be able take action. The O&S Management of Authority B certainly sees the local committees as having the opportunity to provide local challenge, however as to whether that equates to O&S they remarked that could only be viewed as sharing the methodology of O&S rather than its role at the boards would be a subject of O&S investigation in the future.

Three area boards have been created in Authority C, which are made up of members from that particular area. Authority C O&S Leadership said, specific items are taken to the area boards and looked at in detail. If there are wider implications for the whole authority they are fed back to the OSMC and reported to the executive. Alternatively, O&S may refer local issues to the area boards. Therefore, the area boards are independent of O&S, but have a close working relationship with them. Area OSC were considered, but it was decided there would be a capacity issue for members. Also, as Authority C Chief Officer explained,

underneath the area boards 27 community forums will be established to involve the local communities in the democratic processes of the council. However O&S relationship to these community forums is to be determined, but may also be a means to refer 'parochial' issues to the OSMC.

The Leadership from Authority D saw the creation of area boards for the unitary authority as the main method of community engagement and one which could be utilised by O&S. The O&S Management of Authority D said the relationship between the area boards and O&S has not been established and a task group has been set up to specifically look at how they can work together. Their understanding was that the area boards would undertake local challenge and service review, however they are not meant to undertake O&S work. The Leadership from Authority D added that when an area board is not able to resolve an issue such as a CCfA then it may also be referred to O&S to address. Certainly a collaborative relationship is anticipated on consultations with the public.

9.2.3 Structure and Mechanism Conditions

The Development and Structure of Overview and Scrutiny

The CfPS (2006c) advocates that the O&S function is "member led" as a "principle of good scrutiny". The experience of members and officers in the case study areas was that O&S had developed slowly over a number of years and that members had played an ever increasing role in that development and now clearly led the function in their authorities. The independent nature of the authorities in the two tier system resulted in O&S functions tailored to the needs of their members. Members were able to compare and contrast the various merits of their O&S

functions when they came together on health (all two tier authorities had joint health OSC) and ad hoc reviews such as transport (Authority B) and flooding (Authority C). In addition, those members who were both district and county Cllrs were able to experience firsthand the different approaches, strengths and weaknesses. Members, especially in the districts were determined to promote the benefits of their way of doing O&S and wished to see a merger of the best of the district and county O&S functions as opposed to a 'takeover' by the county. Indeed one member expressed the view that the county was inferior to the districts:

"scrutiny at the county council level wasn't of the standard of the districts".

As all of the shadow unitary authorities were required to establish an IE - to oversee the implementation of the unitary authority - the former county councils and district members formed a joint OSC to monitor the work of the IE. These OSC became a natural vehicle for discussion and planning for the new unitary authorities' O&S function. All of the four case study authorities used them in this way to varying degrees of influence and success.

In Authority A, a joint OSC brought together experienced O&S members from across the county and districts. O&S members held a series of workshops with the CfPS, IDeA and the local REIP and all the district and county cllrs (both executive and non-executives) were invited to discuss the future of O&S and the CfPS wrote a report to move forward the O&S function for the new authority. Recommendations were made to, and accepted by, the IE.

In Authority D the joint county and district OSC commissioned a local government consultant from the CfPS to undertake a review of O&S in the authority area based on the CfPS 4 principles of good scrutiny. Members from the districts and county council were consulted and a report was compiled giving the consensus view and officers discussed the practicalities of forming a new O&S function. The recommendations were also accepted by the IE and adopted by the new unitary council.

District members in Authority C's area were especially keen to be involved in the joint OSC of the IE and to address the future of O&S. In the research interviews district members emphasised that difference between how the county council and the districts undertook O&S. As one former district member stated their experience of the O&S at the county council was primarily examining reports. District members therefore saw the creation of the unitary authority as an opportunity to change O&S at the county level. County and district members met and considered the arrangements for O&S and district members were particularly concerned about the structure and resources for O&S in the new unitary authority. However the discussions between members and officers did not result in a document or plan such as with authorities A and D. Therefore O&S in Authority C could be considered as a continuation of the former county council's approach. Authority B had begun to address the move to unitary status and its impact on O&S sometime before the transition period. The eight local authorities in the county had formed member and officer networks and the officer network commissioned a PhD student to evaluate the O&S function using the CfPS SEF. Interviews were conducted with

chairs and vice chairs of O&S from each authority and surveys completed by other stakeholders in O&S. The analysis identified the strengths of O&S and development opportunities for the new authority. Recommendations were developed into an action plan for the members and officers involved in O&S to address and review during the early months of the unitary authority. In addition, members were able to influence the development of O&S via scrutiny of the IE as with authorities A, C and D.

Structure of Overview and Scrutiny

The focus of the Local Government Act (2000) was the creation of the new political structures, which established executive leadership. In those early days of O&S authorities were left in a position where the old committee system had been disbanded and they had to develop an O&S structure that would allow members to participate in holding to account the new executives as well as looking at issues in depth to help develop policy. Research has shown that the government failed to provide guidance as to how O&S should function other than the creation of a single OSC for each authority (Copus, 2000, p.77, Johnson and Hatter, 2004, p.5). However each authority, with guidance from bodies such as IDeA and CfPS, have developed structures that meet the needs of their members and authority. The structure of O&S in the two tier system reflected the size of the authority with most adopting leader and cabinet model of the new political structures and the remaining authorities choosing the 4th option. The main characteristics of the structures for all of the case study unitaries were:

- The larger authorities had a management board made up of the chairs and vice chairs of the OSC
- Most authorities had 3 or 4 thematic committees or panels, which reflected their service departments and/or their priorities
- The 4th option councils had one single OSC or divided O&S into two OSC
- Time bound task and finish groups were used to conduct in-depth or light touch reviews on specific topics
- None of the authorities had divided their O&S function into separate scrutiny and overview committees.

The structure of O&S post reorganisation for each of the case study authorities can be seen in Chapters 5,6,7 and 8. The most significant differences between them are that:

- Authority A has called the O&S committees 'policy development and scrutiny' reflecting their interpretation of the term 'overview'
- Authority A and B have aligned their OSC to the LAA themes
- Authority A has created an informal OSMB to co-ordinate the work of O&S
- Authority C has created a formal OSMB to co-ordinate the work of O&S
- Authority D uses the term select committee as they wish their committees to operate like parliamentary select committees
- Authority D has established permanent task groups to annually review major contracts.

These differences are all reflective of how members, with the guidance and support of officers and such bodies as the CfPS, have shaped the structure of O&S to meet their needs and interpretation of the role of O&S. For instance

Authority A has previously not operated with a OSMB and has now introduced one, albeit informally, to co-ordinate the work of O&S. The significance of this informal arrangement is that they are not constrained by the council's constitution and free from any potential interference by leadership in choosing the overall chair of O&S.

Overview and Scrutiny Work Programme

One of the 4 principles of O&S is the members lead the O&S process (CfPS, 2006c) and that is independent from the executive and other undue external influence. The independence of O&S should be realised in the selection of topics for the O&S work programme (see Figure 32 for examples of topics from the four 4 case study authorities' work programmes). O&S receives suggestions from various sources such as:

- Individual members
- The executive
- The chief executive, directors and other officers
- Representations from partners
- The cabinet's forward plan, sustainable community strategy, local area agreements
- The public.

Figure 32: Examples of O&S Work Programmes from Case Study Authorities

Authority A	Authority B	Authority C	Authority D
Health and Adults <ul style="list-style-type: none"> • Review outpatients appointments • Commissioning Adult Care and Support • Patient Transport • Hospital Trust's Foundation Status 	Adults, Wellbeing & Health <ul style="list-style-type: none"> • Mental health day services consultation • Action to reduce health inequalities • Transforming social care • Living with Dementia 	Care and Wellbeing <ul style="list-style-type: none"> • Carers Strategy • Supporting People Action Plan • Emergency Care Project • Quarterly Performance Review 	Health and Social Care <ul style="list-style-type: none"> • Care Pathway for Older People • Autism • Ambulance Service Response Times • End of Life Care Strategy
Children Education & Families <ul style="list-style-type: none"> • Transformation of Children's Services • Children's Trust Safeguarding Children & looked after Children • Primary Strategy for Change 	Children & Young People's <ul style="list-style-type: none"> • Anti-bullying • Foster Care and Foster Carers • Academies and Building Schools for the Future • Surestart 	Family and Children's Services <ul style="list-style-type: none"> • Home to School Transport • Surplus places / decline in school numbers • Climbie Audit Report • SEN Provision 	Children's Services <ul style="list-style-type: none"> • Speech and Language Service Provision • Teenage Pregnancy • Primary School Strategy • Child & Adolescent Mental Health Strategy
Corporate Resources <ul style="list-style-type: none"> • The Budget • Performance Management Framework • Internal communications • Member communications • Social media & public engagement • Severance Policy 	Corporate Issues <ul style="list-style-type: none"> • Discretionary Rate Relief • Harmonisation of fees and charges • The Budget • Performance Reports 	Economic Prosperity and Strategic Services <ul style="list-style-type: none"> • Facilities Management • Procurement • Regeneration • Tourism 	O&S Management and Resources <ul style="list-style-type: none"> • Service Transformation (HR) • Harmonisation of Staff Terms and Conditions of Employment • Delivering Customer Focus • Agency Staff (and consultancy) Contract

Figure 32: Examples of O&S Work Programmes from Case Study Authorities continued.

Authority A	Authority B	Authority C	Authority D
Communities <ul style="list-style-type: none"> Housing Strategy Homeless Strategy Sustainable Communities Act Gypsy and Traveler sites 	Environment & Sustainable Communities <ul style="list-style-type: none"> Waste strategy Grounds maintenance service review Winter maintenance strategy Street lighting public finance initiative 	Communities and Place <ul style="list-style-type: none"> Flood Action Plan Mobile Library Services Climate Change Action Plan Customer Service Performance 	Environment <ul style="list-style-type: none"> Gypsy & Traveller Service Review Car Parking – harmonisation of charging Climate Change/Carbon Trading Leisure Services
Environment and Economy <ul style="list-style-type: none"> Unitary Council's carbon footprint Developing local transport plan Creating a green County Regeneration and investment of parks, lakes and gardens 	Safer & Stronger Communities <ul style="list-style-type: none"> Communities Libraries Anti-social behaviour services, focus on public places/spaces Social Inclusion Culture and Leisure 		
	Economy & Enterprise <ul style="list-style-type: none"> Economic Assessment and Review of Economic Strategy Housing Participating in review of business support services Worklessness 		

In Authority A each OSC determines its own programme with guidance from the informal OSMC. The OSC chairs have a gate-keeping role to ensure that items are prioritised:

- in line with the authority's corporate plan
- as they will be able to influence the decision makers
- as they will make good use of their resources.

With regard to what topics they could choose, the O&S Management of Authority A emphasised that there was a:

“non-political consensus amongst all members that where things are big and are in need of fixing they need to be fixed”.

The priority for the O&S Chair was the council's budget, whereas Authority A Leadership said they required policy for the planning process, local development, localism, waste management, the budget, health and social care. Finally, the Chief Officer said that the authority needed to improve its performance and make efficiencies.

The O&S Management of Authority B stated the work of O&S has to make a difference and add value; therefore the work programme is developed within the context of the sustainable community strategy, local area agreements, the council plan, the cabinet's forward plan and various other plans and strategies.

With the assistance of officers the members of the individual OSC are presented with a long list of topics and after discussion a short list is compiled. Once a consensus is reached in each committee it is considered by the OSMB, who will look for areas of duplication, possibilities of cross-cutting reviews and capacity

issues before it is then ratified. The O&S Management of Authority B did say they were unable to recall when members have asked to scrutinise a specific issue. Indeed, there is not a process where members can complete a pro-forma as to suggest a topic for the work programme. Equally there is no direct consultation with the public, although the Chief Officer of Authority B has stated the aim of having an electronic mechanism for community suggestions via the authority's website.

The work programme at Authority C is a six month rolling programme determined by members and co-ordinated by the OSMC. The OSMC looks at the forward plan on a regular basis and tries to align their work to it. Members are asked for items for consideration for the work programme and the executive have an input via requesting that topics are considered for pre-scrutiny (policy development).

The experience of the Leadership of Authority C is that most if not all of the OSC have far too full an agenda on occasions in order to do justice to their particular role saying

“it would be better spent in considering fewer items in greater depth”.

This view chimes with that of the CfPS which advocates selecting topics to study in depth (CfPS, 2004a). However they acknowledge that the executive should not exert influence on the work programme and that the executive and O&S be completely divorced.

The Chief Officer of Authority C said with regard to the choice of topics for O&S that they should be addressing issues:

“things like personalisation of social care, developing the local development framework.”

Each service director within the resources team had had a meeting with the members of the OSMRSC and presented the issues within the services for O&S to consider for their work programme. Each of the select committees also had a development day to identify the priorities and they have a ‘legacy report’ from the transition into the new unitary authority which reflected the priorities of the districts such as waste collection, leisure and housing. The O&S Leadership added that the O&S Management was adept at identifying topics, but members were not forthcoming with issues.

Research has shown that the O&S function has been more successful in overview (policy development) than in scrutiny (holding to account) (Ashworth, 2003a; Ashworth and Snape, 2004) Therefore the balance between the two aspects of the O&S work programmes of the authorities is of interest as well as the topics that have been chosen.

The Chief Officer of Authority A thought that there had been too much ‘scrutiny’ in the past and that there should be a better balance between the two. However Authority A Leadership argued that the new authority should have continued having specific policy development committees where non-executives could decide as opposed to just influencing policy. However, as mentioned above, the

Chair argues that policy development should only be influenced by O&S and the decisions on policy should remain with the executive as in the present constitution.

The O&S Leadership of Authority B thought that they have been able to achieve a “good” balance between overview (policy development) and scrutiny (performance), but had in opinion of the O&S Management the work programme was concentrated too much on the wider strategic issues facing the authority.

The O&S Management of Authority C said that O&S in the former county council has traditionally been post-scrutiny and they wanted to move more towards pre-scrutiny of decisions. Indeed, the O&S Leadership from Authority C estimated that only 25% of the work programme concerned policy development. The Chief Officer of Authority C agreed that there should be more policy development. In their opinion O&S started in a rather too adversarial way focusing more on scrutiny than overview reflecting that the model for O&S was the parliamentary select committees. They advocate that O&S is more effective when looking forward developing policy rather than backward looking critising current or past decisions. This was confirmed by the Leadership of Authority C who said that O&S:

“could be more focused on policy review and development.”

Members’ incentives to participate in O&S are through their desire to make improvements for their constituents and because they may have a particular interest or expertise in a subject under review. In addition, there are certainly (in the case of Authority B) financial rewards for being a chair or vice chair of an OSC although that may be too cynical a view of member’s motivation. Indeed to the

contrary, the fact that the overall chair and vice chair receive the same or half of an executive member's allowances respectively; thus demonstrating that O&S has parity with the executive in this aspect.

Allocation of Chairs and Vice Chairs

Research has shown that the ruling party's (or coalition's) policy of whether to permit or not opposition chairs/vice chairs, has an effect on the O&S process and its effectiveness (Ashworth and Hunt, 2003; Leach, Skelcher et al, 2003; Snape, Leach and Copus, Leach, 2010). If it has been decided that majority party members will chair the OSC then it can be argued that the executive will be able to exercise influence, if not total control over what is supposed to be an independent O&S function. The level of influence could determine what O&S topics are selected for the work programme as well as reducing the challenge to executive decisions and crucially the use of call-in.

Historically, under the two tier system the policy on the allocation of chairs varied within - and across - the case study areas depending upon the political party in control, the size of the authority, the willingness of the opposition to take the role of chair or vice chair and the way in which the O&S had developed in line with best practice as suggested by outside bodies; such as the CfPS (CfPS, 2006c). Authority areas A, B, and C were most likely to appoint from majority parties, however in Authority area D the common practice throughout the county was to appoint opposition members even when they were few in number. For example, one district appointed the single Labour party representative as the chair of O&S in a council dominated by Conservatives.

The new unitary authorities have continued with previous practice. The policy of the majority group in Authority B is one where leadership roles, chairs and vice chairs are decided in full council (in effect the majority group room) and predominantly allocated to the majority group members, indeed all bar one vice chair of the OSCs are all from the majority Labour party. There are a number of possible reasons for this policy. Simply that they are the ruling party, so they should hold these positions, and also there are significant special allowances attached to these positions so why would they offer them to the opposition? In another minority controlled authority the chairs and vice chairs of OSC are also decided by the full council, however the O&S chairs are appointed from the opposition and therefore held by the minority parties.

In Authority A, the chairs and vice chairs of the OSC are selected from the ruling coalition administration. They are chosen by the members of the individual committees (as is the overall chair of O&S) and not the full council as in Authorities B and C. This demonstrates a greater degree of independence of O&S from party control, however recognising that membership of the committees can be determined by, and between, parties in advance. Finally, Authority D also has an opposition member as chair of the OSMB and the OSC elect their own chairs and vice chairs, however the chairs are from the majority group and the vice chairs from the opposition.

9.3 Assessing the Effectiveness of the Overview and Scrutiny Functions in the New Unitary Authorities

The approach to O&S based on the experience of those interviewed, especially the chief officers, authority leaders and O&S leaders which were of the same

political group, would be “openness to challenge” (see Figure 33). They all describe their “encouragement of and responsiveness to the work of O&S whether it is critical or whether it involves policy recommendation” (Leech, 2009b, p35).

However, the analysis of the data leads to the conclusion that Authority B is marginalised as the controlling group dominates the allocation of O&S chairs and vice chairs (including the overall chair) and therefore the OSMB, which also determines whether call-ins are accepted and the final O&S work programme. It can be argued there is a clear “attempt to minimise the potential damage and embarrassment that might emanate from the oppositions use of overview and scrutiny by seeking to exert political control over it” (Ibid), especially as dominance of the authority has been reduced to a slender majority of just eight seats and thus leaving them in the minority in terms of those members available to undertake O&S.

For the remaining three case study authorities, the analysis of the data leads to the conclusion that while leaders and chief officers of these authorities clearly “accentuate the positive aspects” of O&S, there is an increasing desire to manipulate O&S by using it as a “consultative (and, where seen as appropriate a policy development) mechanism” (Ibid). The authorities’ leaders are open to scrutiny, but they argued the case for O&S to concentrate on policy development and, in the case of Authority A, to determine policy for the authority. There are of course varying reasons for this. In Authority A there is a desire by the newly elected leadership for the authority to be inclusive and there was a pressing need

for new policies. For Authority C, the Chief Executive especially wanted less reflective scrutiny and more assistance for the new minority political leadership to determine policy for economically constrained times. Finally, Authority D, again dominated by one party politically, also wanted more policy development but to some degree has historically (in the experience of the O&S Chair) been used to make difficult decisions for the executive or secure resources for the services. Having stated the above, for the time being at least, all three O&S functions still retain control of their work programmes, but will come under increasing pressure from the executive to undertake policy development of their behalf as O&S has more time to investigate an issue in depth.

Figure 33: Approach to Overview and Scrutiny by Ruling Party or Coalition in the Case Study Authorities.

Approach to Overview and Scrutiny by ruling party or coalition	Unitary Authority			
	A	B	C	D
Marginalisation – which involves an attempt to minimise the potential damage and embarrassment that might emanate from the oppositions use of overview and scrutiny by seeking to exert political control over it.	✗	✓	✗	✗
Manipulation – which involves an attempt to accentuate the positive aspects of overview and scrutiny, whilst minimising the changes to the administration. Typically this approach uses overview and scrutiny on a consultative (and, where seen as appropriate a policy development) mechanism.	✓	✗	✓	✓
Openness to challenge – which involves an encouragement of and responsiveness to the work of overview and scrutiny whether it is critical or whether it involves policy recommendation.	✓	✓	✓	✓ ⁸

Adapted from Leach, S. (2009b, p.35)

⁸ As described by the Leaders of the case study authorities

Leach describes various conditions for effective O&S and Figure 34 represents an assessment of the case study authorities using these conditions.

Figure 34: Conditions for Effective Overview and Scrutiny in the Case Study Authorities.

Attitudinal Conditions	Unitary Authority			
	A	B	C	D
Parties do not to use OS for party political points-scoring	✓	✓	✓	✓
There are a limited number of high profile politically-divisive initiatives which are not appropriate for an in-depth overview and scrutiny review	✗	✗	✗	✗
It is recognised that OS will be influenced by political values and priorities but not overtly	✓	✓	✓	✓
The Executive takes seriously recommendations based on evidence-based policy analysis and justifies the reasons for their response	✓	✓	✓	✓
Overview and scrutiny is influential because it assembles and interprets evidence in a responsible way	✓	✓	✓	✓
Overview and scrutiny is properly supported by dedicated and mainstream Officers	✓	✓	✓	✓

Process Conditions	Unitary Authority			
	A	B	C	D
Call-in is used responsibly, is not be invoked too easily and meets specified criteria.	✓	✓	✓	✓
Call-in is not limited to key decisions.	✓	✓	✓	✓
An Officer adjudicates on whether a call-in meets the criteria	✓	✗	✗	✗
Executive Members attend call-in hearings to justify decisions and answer questions	✓	✓	✓	✓
A timetable enables OS Officers to collect evidence for call-ins	✓	✓	✓	✓
Call-in is facilitated by a setting other than a committee room layout e.g. select committee style	N/K	N/K	N/K	N/K
The Select committee style is used for certain types of review	✓	✓	✓	✓
Spotlight/light touch reviews are used	✓	✓	✓	✓
Minority Reports can be submitted	✓	✓	✓	✓
OS Chairs present their findings to the Executive and answer questions	✓	✓	✓	✓

Figure 34: Conditions for Effective Overview and Scrutiny in the Case Study Authorities continued

Structures and Support Mechanisms	Unitary Authority			
	A	B	C	D
OS has the ability and funds to access objective technical information and expert witnesses	✓	✓	✓	✓
The authority has link Officers in their authority to facilitate OS	✓	✓	✗	✓
The authority has a scrutiny champion at a senior level	✓	✓	✓	✓
Chairs of OS committees/panels are shared amongst all parties with significant representation	✗	✗	✓	✓
There is an OS co-ordination committee to counterbalance the Executive	✓	✓	✓	✓
There is a structural separation between the 'scrutiny' and 'overview' roles	✗	✗	✗	✗

Adapted from Leach, S. (2009b, pp.36-38)

9.4 Conclusions

This chapter has brought together the evidence gathered and presented in chapters 5, 6, 7 and 8 and compared and contrasted the individual experiences of the four case study authorities. It has also highlighted any cross-authority implications with regard to the research questions listed at the beginning of the thesis. The next chapter address the wider implications of these findings on the effectiveness of the O&S function and New Labour's modernisation agenda.

Chapter 10 Conclusions

10.1 Introduction

This chapter seeks to draw conclusions on the effectiveness of the O&S function and the wider issues of New Labour's modernisation agenda based on the key findings made by this research. This thesis has demonstrated the ways in which the unitary authorities have developed their O&S functions and, to a greater or lesser degree, fulfilled the criteria and conditions espoused by academic research and practitioners in the public sector. Therefore the following conclusions can be made.

10.2 Conditions for an Effective Overview and Scrutiny Function

The four case study authorities have demonstrated that they have developed an O&S function for their authorities based on the culture of O&S that evolved since its uncertain inception back in 2000 in the former county councils and, to a lesser or greater degree, by that which evolved in the former district councils. Some have gone further than others to evaluate the state of the O&S function prior to the establishment of the unitary authorities (Authority B p.175 and Authority D p.242). While only cosmetic changes have been made in one authority more significant restructure has taken place in others. One of the most contrasting differences is the number of dedicated O&S officers each has and the dedicated budget they are able use for their activities and investigations. The resources, member involvement, the attitude of the leadership towards O&S and the profile and understanding that the public has of the role of non-executive members all determine the effectiveness of the O&S function, which in turn will determine

whether it achieves the aims of New Labour's modernisation agenda of transparent and accountable leadership directly or indirectly delivering services to meet the needs of their public.

However, the effectiveness of O&S is difficult, if not impossible, to measure (London Assembly, 2009). Arguably the only measure of effectiveness of O&S is its power of influence over service providers and policy makers, be they internal or external, and this can only be measured by the number of recommendations accepted and implemented. In terms of measuring the outcomes of an O&S recommendation that has been implemented, an authority may be able to count the increase in the users of library services or fewer incidents of fly tipping. Alternatively the effectiveness of O&S could be measured by the number of members of the public attending an O&S consultation event or it could be the numbers of members involved in the function. As described above there are many criteria or conditions that may enable O&S to be effective and the following are those which this research has found to be the most significant.

10.2.1 The Structure of Overview and Scrutiny Reflects the Culture of the Authority

It could have been argued that with the financial resources and officers available to the county councils they had had the 'better' O&S functions so why would they seek to change it? Each of the unitary authorities has developed an O&S function that meets their own political culture and reflects the development of O&S under the two tier system (Authority A p.143, Authority B p.178, Authority C p.214, and

Authority D p.245). For example, they all utilise some form of management board and thematic committees, however for three of the case study authorities the O&S structure has changed little from that which was all ready in place in the former county councils. Only one, Authority A, has appeared to adopt new approaches to O&S. At the district council tier within the area of Authority A there was a culture of co-operation and consensus as the majority of authorities were NOC and had significant representation of independent Cllrs. The culture of co-operation and consensus within the unitary authority as a whole and not just O&S was an aim of the new leader. Also that the informal chair of O&S was a former district Cllr resulted in the O&S function being seen as an amalgamation of the best of the former district and county council functions and not just a continuation of the former county council's O&S function. In contrast, the results of the elections before unitary Authority C was established, resulted in a change of political control from a majority controlled council to a minority administration, but has not resulted in a major restructuring of O&S.

10.2.2 A Positive Attitude Towards Overview and Scrutiny is Required from the Leadership Leadership, Both Political and Officer, of an Authority.

The research has shown that leaders and chief officers of the case study authorities understand the role of O&S (Authority A p.146, Authority B p.182, Authority C p.216, and Authority D p.249). This has a bearing on the effectiveness as they can have an influence on the activities of O&S, their work programme, the officer and financial resources for O&S and the effectiveness of call-in.

10.2.3 The Overview and Scrutiny Function should be Independent of Influence from the Executive

The work programme should be determined by O&S (Snape, 2002; CfPS, 2006; Leach, 2009). In this case study leaders and chief officers were open to and saw the value of O&S, but were keen to promote the role of policy development as a more worthwhile occupation for non-executive members. If the executive (or policy committee) have too great an influence on the O&S work programme then OSCs will risk becoming sub committees of the executive (or policy committees) and consequently lose their independence. This was especially the case in Authorities A (p.144) and C (p.214), when it was argued they had a greater need for policy development given the change in political leadership of the authority and the failure of previous policies to deliver services to the requirements of internal and external assessment. It was also the view that if O&S played a significant role in policy development it would be more inclusive as more members would be involved than just the Executive. This was more so the desire of Authority A Leadership.

10.2.4 Internal and Inter Party Politics Affects the Overview and Scrutiny Function

All of the authorities strive to exclude party politics from O&S. As has been shown this is deemed to be good practice in that O&S should make recommendations based on consensus (Snape, Leach, and Copus 2002; Leach, 2009) . However with a majority of Cllrs one party or coalition can impose whatever structure they wish and even more so if leadership of O&S is the same political group as the

executive. In Authorities B and D have for some considerable time always been dominated by one political party. The expectation is that where the majority party controls the executive and non-executive functions that O&S will be manipulated, however internal party politics can also result in robust holding to account although this is less likely if non-executive members wish to further their political careers. In Authorities A (p.145), C (p.216), and D (p.247) opposition chairs and vice chairs had been a part of their O&S functions for some time, however in Authority B (p.182) all chairs and vice chairs of all OSC (with the exception of one independent member who was previously from the same majority party) the majority party does dominate O&S. While clearly dividing the two roles, the fear of Authority B (p.182) was that allowing opposition members to chair OSC would in itself make the O&S function an opposition to the executive rather than its 'critical friend'.

In addition, where opposition members contribute to the leadership of O&S through being a chair or vice chair then their colleagues are much more likely to participate in the O&S function. However if their perception, never mind the reality, is that the majority party controls O&S then they are less likely to participate let alone suggest O&S topics. Also if their only 'power' of call-in is limited by restrictive criteria then opposition members will act party politically as opposed to trying to work non-politically.

10.2.5 Non-Executive Members have to Participate in Overview and Scrutiny

The effectiveness of O&S depends upon the involvement of all non-executive members from the majority and opposition parties and independents (Leach, 2002 and 2009; Snape, 2002; Snape, Leach, and Copus, 2002; Sandford and Maer, 2004; CfPS, 2006). The vision for O&S is that the greater the diversity of views and opinions that can be aired in a non-political forum will lead to recommendations that are based on consensus and will have more success influencing the executive (or policy committee).

With regard to member capacity, the age and experience of members is changing. All of the case study authorities reported significant numbers of new, or nearly new Cllrs who had no or little experience of the committee system (Authority A p.135, Authority B p.168, Authority C p.205, and Authority D p.235). Equally some had no experience of O&S, but they came with no 'baggage' and no expectation of being able to make decisions as opposed to only being able to influence them. Training is on offer to members who are not experienced, either as Cllrs, and specifically in O&S. Also the demise of the districts as a second tier of local government focused on delivering services to a smaller population has resulted in a democratic deficit. That is to say the overall net loss of Cllrs has resulted in fewer non-executive members being able to investigate, what is often negatively referred to as localised, parochial issues. With unitary authorities now focused on the strategic, which was the role of the county councils before them, a locally focused tier of O&S has been lost. For example, will a unitary O&S review the provision of public

toilets in a particular village? Of course localised issues such as these could be resolved using CCfA or the community forums.

10.2.6 The Provision of Dedicated Overview and Scrutiny Officers and a Discretionary Budget is Essential

The provision of dedicated O&S officers and a discretionary budget was of significant concern to all of the authorities and is reflective of the academic research and practitioner experience. Non-executive members are dependent upon dedicated officer support of the O&S function and adequate financial resources if they are to fulfil their role (Stewart, 2003; Sandford and Maer, 2004; Leach, 2005). This research has shown that it is this which will inhibit the capacity of most members to undertake O&S of the topics they want to investigate and give them the independence from rest of the officer corps (Authority A p.131, Authority B p.163, Authority C p.200, and Authority D p.231).

10.3 Further Conditions for Effective Overview and Scrutiny

On the basis of the experience of the case study authorities, there are a number of other conditions that could be added to those used by Leach (see Figure 35). These have been identified through the experience of the researcher working with one of the case study authorities, the evaluation of the same authority area's O&S functions using the CfPS SEF, as well as the experiences of those interviewed. While the conditions advocated by Snape (2002), CfPS, (2006) and Leach (2009) are ones which most well developed and supported O&S functions should be able to achieve, the conditions that I suggest reflect how the O&S function has evolved and that there are more ways in which its effectiveness can be demonstrated.

For example, O&S would be seen to be more effective if opposition members were allocated positions as chairs or vice-chairs of OSC. Indeed, the ultimate aim would be for the overall chair to be an opposition member. It is suggested that instead of making O&S an opposition to the executive it would encourage more opposition members to participate in non-political debate in O&S rather than being engaged in party politics in the council chamber. Another example would be for the public to become engaged in O&S by suggesting topics for the O&S work programme. This would clearly demonstrate that O&S members were reflecting the concerns of their communities. O&S could also demonstrate its effectiveness by promoting its work through the local media as well as the authority's website and publications. By participating in O&S member and officer networks and conferences authorities can show that they are sharing best practice and therefore are constantly aiming to improve the function. Given that O&S, like all local government functions, are under financial pressure and competing for diminishing resources then I suggest the more ways O&S can demonstrate its effectiveness the more likely members, officers and the public will value its role.

10.4 Reflecting upon New Labour's Local Government Modernisation Agenda

This thesis has described how local government has for the last 30 years or more been reformed, eroded and undermined, while local and central government have become less able at resolving the 'wicked issues' of an increasingly complex and globalised society and economy (see chapter 2). A network of public,

Figure 35: Further Conditions for Effective Overview and Scrutiny

Condition	Adds to the effectiveness of O&S by:
The chair of the OSMB is an opposition Member.	Making O&S leadership independent of ruling party or coalition and encouraging non-political O&S.
Opposition members are allocated a proportion of chairs and vice chairs of committees.	Encouraging participation of opposition members and non-political O&S.
There are protocols for engagement with: <ul style="list-style-type: none"> • The executive • External partners • Witnesses. 	Facilitates good communication and establishes the relationship between O&S and other stakeholders.
There is a written criteria for the nomination and selection of O&S topics.	Aligning the O&S work programme to the priorities of the authority.
There is a time limit for the ruling party or coalition to give a written response to recommendations.	Ensuring a formal response to the work of O&S.
There is an action plan for the implementation of recommendations.	Identifying by whom, how and when recommendations will be implemented.
There is a review of the implementation of recommendations after 6 and/or 12 months.	Ensuring recommendations are implemented.
Having permanent and/or ad hoc co-optees on committees.	Involving the public in O&S.
The public suggesting and/or selecting O&S topics.	Involving the public in O&S.
O&S holding meetings outside of the authority's main buildings.	Being seen to conduct O&S in the community.
The authority promotes O&S via <ul style="list-style-type: none"> • Dedicated O&S pages on authority website • Articles in authority publications • Press releases to local media • O&S annual report. 	Raising the profile of O&S.
The authority participates in <ul style="list-style-type: none"> • O&S member/officer networks with other authorities • Training internally and externally, e.g. CfPS and IDeA • Conferences locally, regionally and nationally. 	Continuing to improve knowledge, skills and share best practice.
O&S forms joint OSC with other authorities on specific issues, e.g. health and public transport.	Being able to address issues of concern across authorities.
O&S has a relationship with area/local community boards/forums.	Being able to respond to localised issues as well as the strategic.

private and voluntary organisations work in partnership to provide public services in a system of local governance. Democratic local representation and leadership still has a role to play and New Labour has attempted to reinvigorate local democracy and rebalance the centre-local government relations. Three areas that New Labour focused upon were *new localism*, *accountability* and *public participation* which are all linked to the O&S function.

New Localism

With regard to local and central government relations new localism emerged as an issue for New Labour in their second term of office (see pp.6-8). Having further centralised control of local government in their first term they decided that central government needed to allow more localised decision making and policy implementation, but 'constrained' within a national framework. Is there a direct link between O&S and new localism? The case study authorities all emphasised their commitment to O&S and, with the development of new community forums or partnerships within defined localities, to 'new' localism. When questioned about the relationship between O&S and the new community forums the interviewees thought that they were two separate functions. O&S is a member led process that represents the community's interests when making recommendations to influence decisions and policy. Whereas the community forums aim to involve the general public by delegating executive decision making powers and resources to localities. Arguably, while they may use similar methods in investigating an issue (i.e. consultations, site visits, and questioning service providers) the public will be more attracted to 'new' localist arrangements rather than O&S.

Having espoused the virtues of 'new' localism, New Labour's decision to abolish district councils and create unitary authorities in the English shire counties serving larger geographical areas (primarily for reasons of economies of scale) and to (at a time when localism of one form or another is being promoted by all political parties) is contrary to the old orthodoxy of localism (i.e. that democratically elected representatives of a local area deliver and/or commission services that are responsive to local needs). However, some local authorities argue that unitary status for the English shire counties positions them as the strategic local government in their areas (Stoker and Wilson, 2004). Arguably, for O&S this enables them to undertake O&S investigations and reviews of external partners in the areas such as health, policing, employment and regeneration with greater authority. Therefore, this research suggests that despite New Labour's desire to show its new localist credentials the abolition of the district councils and the creation of O&S are seen by the public and elected representatives alike as a step backwards and a small step forward respectively. In contrast, the community forums offer the prospect of a stride forward in terms of being able to make - and not just influence - the decision making and policy process on issues which are of importance to their locality.

Accountability

There are a number of forms of accountability in local government, which were outlined in chapter 1 (see pp.8-9). The focus of this research has been the new political structures and how the executives are held to account. Compared to the long history of local government in the UK the new political structures are still in

their childhood. The old committee system survived for 100 years before, after many years of debate, it was deemed to be ineffective. New Labour aimed to make local government transparent, accountable and efficient (ODPM, 1998). The new political structures transferred decision-making to a select number of local authority members and, while it may have been unwanted, non-executive members have grown into their role of 'scrutineers' and their remit and powers have widened from internal O&S of local authorities to encompass external organisations who provided public services. Indeed, as more services are delivered by partners and other providers that cross organisational and authority boundaries there are more interested parties in holding those providers to account. Subsequently, local authority members are described as being part of a "web of accountability" through:

- The public
- The media
- The market
- Complaints
- Regulators
- Management/executive
- Lay scrutineers (including elected members) (CfPS, 2010f, p.3).

The CfPS describe the "web of accountability" as a process led by elected members which is an "informal, collaborative approach, which focuses on complementary working, dialogue and shared interests that is the best model for the future" (Ibid). The significance being that elected members can relate the

accountability process to the public given their position in the community. The extent to which the public become directly involved in holding decision makers and services providers to account is dependent upon the individual's willingness to become involved and by the efforts made to engage them. However as locally elected representatives become more involved holding to account an ever growing spectrum of decision makers, policy makers and service providers, it is uncertain as to whether they can achieve their primary role of holding to account their own executives. Internal and intra party politics is a barrier to effective O&S (arguably the biggest) as is maintaining a sufficient level of dedicated officer support and financial resources to allow non-executive members and co-optees the capacity to undertake effective O&S.

Public Participation

As noted earlier in chapter 1 (pp.3-5) increased public participation in local democracy has been a central aim of New Labour's modernisation agenda. *Modern Local Government: In Touch with the People* (DETR, 1998) and *Communities in Control: Real People, Real Power* (DCLG, 2008) are just two primary examples from a whole plethora of whitepapers, guides and policy documents throughout New Labour's time in office on increasing public participation in local and national governance and renewing local democracy. *Communities in Control: Real People, Real Power* stated that the government wanted to:

“pass power into the hands of local communities. We want to generate vibrant local democracy in every part of the country and to give real control over local decisions and services to a wider pool of active citizens” (DCLG, 2008, p1).

It identified O&S as way in which the public could actively participate in local governance, but highlighted the need to improve the public's awareness of the function. It would do this by encouraging:

- Large scale citizen engagement forums
- Moving committee meetings and hearings out of the town hall
- Webcasting
- Greater public involvement in suggesting and selecting topics for review
- Making information more readily available and accessible on websites and at council offices

And by:

- Further enhancing the powers of overview and scrutiny committees in local authorities to require information from partners on a broader range of issues
 - If necessary providing councils in areas with district and county councils with a power to combine resources in 'area' scrutiny committees
 - Requiring some dedicated scrutiny resource in county and unitary councils"
- (Ibid, pp. 90-91).

The research for this thesis has shown that the case study authorities have been either ahead of the government in implementing the above or are still have someway to go to meeting them. The literature shows that participation can be limited by the rules and procedures of each organisation; whether organisations are responsive to the needs and expectations of those participating; if the participants are acting as a representative of a social group or as an individual or

they are participating in the democratic process as opposed to being part of a purely consultative process (Barnes, Newman, and Sullivan, 2004). O&S in the case study authority areas has been successful in attracting public participation, but that has been when the issue has been of immediate concern, such as flood management or hospital provision. The experience of those interviewed was that O&S could do more to engage the general public, and that the community forums could be one means of doing so. However the community forums are a consequence of local authorities' efforts to fulfil their new localist credentials, contained in their applications for unitary status, rather than improving public participation in accountability. As long as the 'public' are only asked for their views, experiences and expertise when O&S seeks them out; that they can only influence and that influence is filtered through the O&S function itself, then the public are more likely to reserve their participation for forums where they can make decisions and have access to financial resources. What is certain is that O&S is a new form of public participation in local government that has yet to be fully evaluated.

10.5 Theorising Overview and Scrutiny

The findings of the research can be analysed to produce a 'grounded theory' as to the effectiveness of O&S. Namely, that effective O&S is dependent upon the positive attitude of the participants, the agreed process and the structure and mechanisms in place that demonstrably support and value the role of O&S as an influence on internal and external decision makers and service providers. The analysis of the data on each of the case study authorities suggests the following hypothesis (or at least predictions):

- The effectiveness of O&S for all authorities will be dependent upon all of the authorities ability to retain their current levels of dedicated officer support
- The effectiveness of O&S for all authorities will be dependent upon all of the authorities' ability to increase the number of non-executive members involved in O&S
- Authority A is the most non-partisan, however it has potential difficulties with the executive as it wishes O&S to develop policy rather than influence
- Authority B may find it increasingly difficult to maintain majority party dominance of the allocation of chairs and vice chairs and will eventually benefit from allocating some to minority parties and independents
- Authority C at the time of the research was the most partisan and has the potential for more disagreement with the executive
- Authority D may have the most difficulty in encouraging members to participate due to the large majority of the controlling party. Those members from the party in control that participate in O&S may continue to use it resolve internal party issues.

10.6 The Overview and Scrutiny Research Agenda

This research has added to the current knowledge by identifying and comparing what new unitary authorities have done to ensure an effective O&S function. The findings of this thesis suggest further areas for research. Firstly, research could focus on the O&S function and its relationship with the general public, specifically how O&S engages the public to suggest topics for investigation, as sources of evidence and whether they are able to influence decisions that affect their lives. This could also include O&S relationship with the community forums as a means

of understanding the O&S function place in 'new' localism. A second area for research could be a longitudinal case study of the implementation of O&S recommendations to determine if the effectiveness of O&S can indeed be measured. This thesis has shown the range of issues that the case study authorities have planned to address through their work programmes. Therefore a third area for research would be a comparative study of how local authorities select topics for, develop, organise, resource and deliver their work programmes and the demands that places on member and officer capacity. It would also be of interest to see how the delivery of work programmes is dependent upon joint working with other authorities, external agencies, service providers and the general public. As all local authorities are having to justify all areas of expenditure including the officer and financial resources allocated to the O&S function these suggestions for additional research could be of benefit to local authorities when prioritising expenditure, resource allocation and furthering the development of the O&S function.

10.7 Postscript

The results of general election of 2010 and the intentions and actions of the Conservative and Lib Dem coalition raise various questions as to the future of O&S. Firstly, in a response to the imposition of the political structures on local authorities by New Labour the Conservatives made a commitment to "allow councils to decide what particular structure they wish to adopt – including a return to the Committee system if they wish" (Conservative Party, 2009, p.21). The Local Government Bill 2010-11 outlines the options as:

- A leader and cabinet
- An executive mayor and cabinet
- A committee system
- Another prescribed system (councils may propose their own system, subject to Secretary of State approval) (CfPS, 2010b, pp.1-2).

Those authorities that chose to maintain an Executive function will be required to have at least one scrutiny committee and those which choose to return to the committee system will be required to have “one or more scrutiny committees” (CfPS, 2010d, p.3). With regard to the committee system this has been envisaged as “a more streamlined model, more akin to the ‘fourth option’” (CfPS, 2010b, p.2)

The advantages and disadvantages of the committee system have been described above (Chapter 3), but it is said that a return to the committee system would ignore that the culture of local authorities has changed as well as the political structures. It is argued that:

- The committee system would leave councils ill-equipped to handle proactive cross-partnership decision-making
- Decisions will be reached in silos by committees lacking strategic co-ordination
- (There would be) additional costs through transition and operation of a committee system and potential loss of relevant skills if the resource needs of the system are not properly planned

- Councils will overlook the need to build into their new arrangements open, deliberative forums such as scrutiny that demonstrate accountability and provide the public with opportunities to effect change and influence services (Ibid, pp.8-13).

It will be of interest to see how many local authorities adopt or return to the committees system. It has been well documented that council members were dissatisfied with the loss of decision making power the committees afford them. However, the passage of time has meant that a new generation of members have been elected to councils and have not had experience of the committee system, therefore how likely are they to want to adopt it and, perhaps more importantly, how likely are executive members willing to give up their position of power. Indeed if the committee system is allowed to return how will it be justified on the grounds of transparency, accountability and efficiency the very reasons for New Labour's approach to LGMA?

Secondly, with some confusion and lack of understanding on the part of the coalition and the public David Cameron has heralded the 'Big Society' which "is about helping people to come together to improve their own lives. It's about putting more power in people's hands – a massive transfer of power from Whitehall to local communities" (Cabinet Office, 2011).

This appears to be the Conservatives advance on 'new localism' as they want communities to take over the running of services, such as libraries, and have more

decision making power in areas such as planning. Rather than diminish the role of O&S as being a means to reflect the concerns of the public it will be an opportunity for O&S to:

play a role locally, in mediating between local people who want to exercise their right to take power, with the council, who may have concerns about that power being used to benefit all citizens in the locality. Scrutiny can provide a neutral forum for debates between different actors on issues of power and control, and can make recommendations accordingly... This is not only to enhance its credibility, but to make it easier for the function to cope with the atomisation of decision-making and the control of policy by a multitude of different people and organisations, by involving a wider range of interested parties in a proportionate and well-planned manner (CfPS, 2010e, p.11).

It is noticeable that the CfPS highlight the potential for the 'Big Society' to be another group of service providers and decision makers to scrutinise.

The role of O&S with regard to the Coalition's new localism agenda has been raised by report of the House of Commons Communities and Local Government Committee (2011). It states that O&S as a:

"specific tool for local accountability has received little attention.... local authorities themselves, and others, viewed effective scrutiny by non-executive councillors as a necessary complement to greater local discretion and less central oversight" (HCCLGC, 2011, p.34).

The report acknowledged the CfPS case that O&S is "credible, legitimate and proven to have genuine impact on services" (Ibid) and that elected representatives have the skills and abilities to undertake wider O&S roles than non-elected scrutineers. The committee was also concerned that local authorities may be allowed resurrect the old committee system.

Thirdly, the cuts in public spending will have a significant impact on local government and there will be some difficult and contentious decisions to be made by local authorities. Therefore it is recommended that:

- (O&S) will provide an objective and robust forum for debate around cuts or service changes
- Executives can and should be encouraged to see scrutiny as a place to test assumptions they make around service delivery and as a neutral broker between the council, its partners, and local people
- (O&S) could more rigorously use value for money (VFM) methodologies to evaluate services, or policy development ideas
- Scrutiny could also apply cost-benefit analyses to proposals, or to its own recommendations, to test them
- Scrutiny can continue to scan the policy horizon for the authority and its partners, and to examine the long-term ramifications for decisions being taken (CfPS, 2010b pp.4-5).

The financial situation is an opportunity for O&S to prove its worth. If non-executive members can show, through non-political, consensual, evidence based recommendations, that savings and/or improvements to services through better informed policy and decision making can be made, then the executive will see O&S as effective and the public may come to understand and value the function. The danger will be that O&S will spend all its time undertaking VFM type

investigations, which will potentially bring O&S too close to the executive's agenda and member's will lose interest due to repetition.

Finally there other changes with which O&S will have to adapt. For example,

- The cuts in public finance will affect the officer support and dedicated budget for O&S
- Shared provision of services between authorities will require more joint O&S work
- The abolition of the CAA, national indicators of performance, the Audit Commission and the emphasis on 'Total Place'
- Elected police commissioners require scrutiny
- Scrutiny of the GP consortia and the commissioning of health services following the abolition of the PCTs.

In summary, there are many challenges facing local authorities and the O&S function itself. However the culture of O&S has been embedded in local authorities and despite moves to return to old practices, there is the opportunity for O&S to show its effectiveness in ensuring transparency, accountability and efficiency in local authorities and the wider provision of public services. As ever the question of whether members can fulfil the ever growing scope, if not demand, for their services. What is certain, as alluded to earlier, the term "scrutiny" has never had so much exposure and is now firmly part of the political lexicon as never before.

Abbreviations

ACE	Assistant Chief Executive
BV	Best Value
CAA	Comprehensive Area Assessment
CCfA	Councillor Call for Action
CCT	Compulsory Competitive Tendering
CfPS	Centre for Public Scrutiny
CLLR(s)	Councillors(s)
CPA	Comprehensive Performance Assessment
DCLG	Department for Communities and Local Government
DETR	Department of the Environment, Transport and the Regions
FTE	Full-time Equivalent
GLC	Greater London Council
GOSW	Government Office South West
HLDS	Head of Legal and Democratic Services
IE	Implementation Executive
IDeA	Improvement and Development Agency
JOSTB	Joint Overview and Scrutiny Transition Board
LAA	Local Area Agreement
LGA	Local Government Association
LGMA	Local Government Modernisation Agenda
LGR	Local Government Reorganisation
LSOA	Lower Super Output Area
NOC	No Overall Control
NPM	New Public Management
ONS	Office for National Statistics
O&S	Overview and Scrutiny
OSC	Overview and Scrutiny Committee
OSMB	Overview and Scrutiny Management Board
OSMC	Overview and Scrutiny Management Committee
OSMRSC	Overview and Scrutiny Management and Resources Select Committee
OSP	Overview and Scrutiny Panel
PCT	Primary Care Trust
PSC	Parliamentary Select Committees
REIP	Regional Efficiency and Improvement Partnership
SEF	Self Evaluation Framework
SOA	Super Output Area
VFM	Value for Money

Appendix A

Interview Questions for Chairs of O&S for SEF (Authority B)

1. How long have you been a Cllr and how long have you been involved in Scrutiny?
2. What do you see your role as a Chair of Scrutiny?
3. How is Scrutiny Structured in your Council? (inc. Officer support/Times of meetings/Public involvement)
4. Please can describe the function and purpose of Scrutiny?
5. Can you describe an example of good Scrutiny that you have been involved in?
6. How are the recommendations made by Scrutiny received by the Executive?
7. How can the effectiveness of those recommendations be measured?
8. How does Scrutiny make a difference to the lives of the communities and people you represent and serve?
9. How does Scrutiny effectively engage with people?
10. What should be the priorities for scrutiny in the new authority?
11. The new authority will have 116 Non-Executive Cllrs. What role should they have in Scrutiny? What structure should be in place?
12. Is Scrutiny non-political? Have the minority parties been able to fully participate?
13. Would a change in the political balance of the new authority effect the way scrutiny operates?
14. Is there anything else you'd like to add?

Appendix B

Interview Questions for District and County Council Members

1. How long were you a CC/District Cllrs? How long were you involved in Scrutiny?
2. What was/is purpose of Scrutiny? What was your role in Scrutiny?
3. How was Scrutiny Structured in your Council? (inc. Officer support/Times of meetings/Public involvement)
4. What was the relationship like with the Executive? How were the recommendations made by Scrutiny received by the Executive?
5. Was scrutiny non-political? How did minority parties participate? Does the political balance effect how scrutiny functions?
6. Did Scrutiny make a difference to the lives of the communities and people you represented?
7. How did Scrutiny effectively engage with people?
8. What is the structure and function of O&S in the new unitary authority?
9. What influence did your Council have on this?
10. What should be the priorities for scrutiny in the new authority?
11. What part can O&S play in bringing the new Council closer to the communities they serve?
12. Is there anything else you'd like to add?

Appendix C

Interview Questions for O&S Leadership

1. How long have you been a Cllr and how long have you been involved in Scrutiny?
2. How would you describe the function and purpose of Scrutiny?
3. How would you describe the relationship between O&S and the Executive?
4. What do you see your role as a Chair of Scrutiny?
5. How have recommendations made by Scrutiny traditionally been received by the Executive?
6. How does Scrutiny hold the Executive to account? How is call-in used?
7. How much policy development work is done?
8. What should be the priorities for scrutiny in the new authority?
9. What arrangements have been made for O&S of LAA partners?
10. How has the work programme been determined? How much of it is influenced by the public's concerns?
11. Do enough Members participate? What are the barriers to participation? Does it have adequate support and resources?
12. Is Scrutiny in your authority non-political? Has the political balance of the new authority affected the way scrutiny operates?
13. Have the minority parties been able to fully participate? What are your views on sharing Chairs of scrutiny committees?
14. How has unitary status affected the O&S function?
15. Would you go back to the Committee system?
16. Does O&S make a difference to the lives of the communities and people you represent and serve?
17. What makes scrutiny effective? How do you measure effective scrutiny? Was it effective before the unitary authority?
18. In a speech (to the NLGN) on Strengthening Local Democracy the Minister John Denham said that "scrutiny is a lion that has failed to roar." What is your view of that statement?
19. Is there anything else you'd like to add?

Appendix D

Interview questions for Chief Officers

1. How long have you been Chief Executive here (or elsewhere)?
2. How do you see as your role within the authority?
3. How would you describe the function and purpose of Overview and Scrutiny?
4. How would you describe the relationship between yourself, O&S and the Executive?
5. When you receive a report from O&S what do you look for in the recommendations?
6. Is O&S effective at holding the Executive to account? What is your view on call-in as a way of holding to account?
7. What value do you place on O&S policy development work?
8. What should be the priorities for scrutiny in the new authority?
9. What has been the involvement of the senior Managers in suggesting topics for the O&S work programme?
10. What is your view of O&S possible role in scrutiny of LAA partners and being involved in CAA?
11. What is your view on how this authority engages with the public?
12. From your perspective does O&S appear to be non-political? Has the political balance of the new authority affected the way scrutiny operates?
13. Does O&S make a difference?
14. What makes scrutiny effective? How do you measure effective scrutiny? Was it effective before the unitary authority?
15. In a speech (to the NLGN) on Strengthening Local Democracy the Minister John Denham said that "scrutiny is a lion that has failed to roar." What is your view of that statement?
16. Is there anything else you'd like to add?

Appendix E

Interview questions for Leadership

1. How long have you been a Cllr and how long have you been Leader?
2. How do you see the role of leader?
3. How would you describe the function and purpose of Overview and Scrutiny?
4. How would you describe the relationship between O&S and the Executive?
5. When you receive a report from O&S what do you look for in the recommendations?
6. Is O&S effective at holding the Executive to account? What is your view on call-in as a way of holding to account?
7. What value do you place on O&S policy development work?
8. What should be the priorities for scrutiny in the new authority?
9. What is your view of O&S possible role in scrutiny of LAA partners and being involved in CAA?
10. What has been the Executives involvement in suggesting topics for the O&S work programme? How much of it is influenced by the public's concerns?
11. From your perspective does O&S appear to be non-political? Has the political balance of the new authority affected the way scrutiny operates?
12. Does O&S make a difference to the lives of the communities and people you represent and serve?
13. What makes scrutiny effective? How do you measure effective scrutiny? Was it effective before the unitary authority?
14. In a speech (to the NLGN) on Strengthening Local Democracy the Minister John Denham said that "scrutiny is a lion that has failed to roar." What is your view of that statement?
15. Is there anything else you'd like to add?

Appendix F

Interview Questions for O&S Management

1. How long have you been O&S Manager, what tier are you and who do you report to? Do you have parity of esteem with the Executive and other Officers?
2. How would you describe the purpose of Overview and Scrutiny? What do you see as your role as O&S Manager?
3. How have Members and Officers been involved in developing the O&S function for the unitary authority?
4. What steps has the unitary authority taken to preserve the work of the District O&S? E.g. have you collated their reports?
5. What difference did an election before going unitary make to the development of the new scrutiny function? **(Authority B and C)**
6. What difference did an election after going unitary make to the development of the new scrutiny function? **(Authority A and D)**
7. How many new or inexperienced Members were elected? Has there been an increase in the number of Members involved in O&S? Has the culture of O&S significantly changed?
8. Does the political balance of the new authority affected the way scrutiny operates? From your perspective is O&S non-political?
9. Please describe how the work programme for O&S is developed? What is the authority's criteria for an issue to be added to the work programme?
10. Do the public have direct involvement in developing and participating in the work programme?
11. Is there a balance between overview (policy development) and scrutiny (holding to account)? Or do you do more of one than the other?
12. Is O&S effective at holding the Executive to account? How would you describe the relationship between O&S and the Executive?
13. What provisions is O&S making for scrutiny of LAA partners, petitions and CCfA? How will this impact on Member and Officer capacity?
14. Has there been an increase in Officer and financial resources to deal with the increased work load?
15. Is there a danger that the unitary authority will focus on the big strategic issues to the detriment of local concerns?
16. How do you see the relationship between O&S and the area boards/local community boards/ partnerships?
17. What makes scrutiny effective? How do you measure effective scrutiny? Was it effective before the unitary authority?
18. In a speech (to the NLGN) on Strengthening Local Democracy the Minister John Denham said that "scrutiny is a lion that has failed to roar." What is your view of that statement?
19. Is there anything else you'd like to add?

Appendix G

O&S Manager Survey

1. Do you have a dedicated O&S Team?
a. If yes, how many?
b. What are their roles?
c. What experienced do they have of O&S?
d. If no, who provides Officer support?

2. In what tier of management is O&S and in which service/department?

3. Are there Link Officers between O&S and the other services/departments? If yes, at what tier?
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4. Who is the monitoring Officer for O&S?

5. Briefly describe your O&S structure (i.e. how many committees, what themes are they related to?)

6. How are Chairs and vice Chairs of O&S committees determined?

7. Are there any opposition Members Chairs or vice Chairs of O&S committees?
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8. What are the criteria/rules for call-in?

9. Please describe the O&S training you offer to Members?

10. Do you have a discretionary budget for O&S? If so how much?

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